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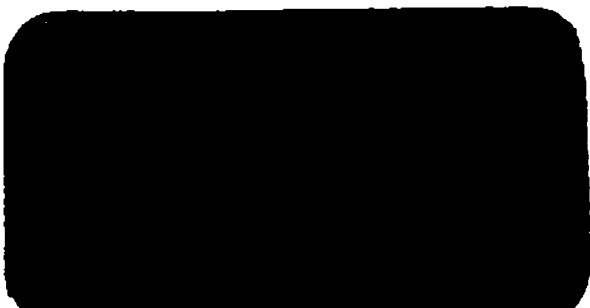
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**ACTS**

**OF THE**

**STATE OF TENNESSEE,**

**PASSED AT THE**

**FIRST SESSION**

**OF THE**

**THIRTY-FIRST GENERAL ASSEMBLY,**

**FOR THE YEARS**

**1855-6.**

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**ACTS**  
**OF THE**  
**GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF TENNESSEE,**

**PASSED AT THE FIRST SESSION OF THE THIRTY-FIRST GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON MONDAY, THE FIRST DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.**

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**CHAPTER I.**

**AN ACT to establish a Common Law and Criminal Court west of the Reel Foot Lake in Obion County.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established for the State of Tennessee, a Common Law Court, to be held west of the Reel Foot Lake, in Obion County.

**SEC. 2.** *Be it enacted,* That said Court shall have general common law jurisdiction over all cases arising at law, of a civil, commercial or criminal character, to the same extent as is now, or may hereafter be, exercised by the Circuit Courts of this State, under common law jurisdiction, or by statutory provision in such cases, but that this jurisdiction shall be confined to that part of Obion County lying between the Reel Foot Lake and the Mississippi river.

**SEC. 3.** *Be it enacted,* That the said Court shall be held on the second Mondays of July and November in

Courts, where  
held.

each year, and said Court shall be held at the Masonic Hall, near Mrs. Merriweather's, until the place is fixed by a vote of the qualified voters of the said District west of Reel Foot Lake; and the Sheriff of said County of Obion is authorised and requested to open and hold an election in the several districts west of said Reel Foot Lake, on the first Saturday in March next, for the purpose of ascertaining the place a majority of the people may wish the court house to be, and on comparing the vote, the place voted for by a majority of said votes shall be, and the same is hereby declared to be the place where said Court shall be held as aforesaid.

SEC. 4. *Be it enacted*, That the return term of said Court shall be the trial term: provided that the service of process is made at least thirty days previous to the commencement of said term; and provided also, that the plaintiff shall file his declaration at the time of the issuance of his summons, a copy of which shall be served on the defendant, or defendants, at least thirty days before the commencement of said Court, and the return of the Sheriff shall be evidence of such service.

Sheriff of Obion  
County to  
appoint a Deputy.

Deputy Clerk.

SEC. 5. *Be it enacted*, That the Sheriff of Obion County shall appoint a special Deputy from among the citizens of said district lying west of Reel Foot Lake, in said county, who shall be duly qualified as other deputies are, whose duty it shall be, to reside in said district, and to attend and wait on said Court, and to perform all the duties required of sheriffs in such cases, and to do and perform all the duties required to be done by sheriffs generally, and shall receive *ex-officio* compensation; and it shall be the duty of the Clerk of the Circuit Court of Obion County, to appoint a Deputy Clerk, who shall also reside in said district, and it shall be his duty to attend said Court, and keep a faithful record of all the proceedings of said Court, and the said Clerk of the Circuit Court of Obion County, and his said special Deputy shall perform all the duties of Circuit Court Clerk, and said Deputy shall have all fees, due said Clerk in cases where he performs the services.

Tax.

Commissioners.

SEC. 6. *Be it enacted*, That the County Court of Obion County be authorised and required to levy a tax not exceeding one thousand dollars upon the taxable property and polls, west of Reel Foot Lake, in Obion County, and that the revenue Collector of said county, is hereby required to collect the same under the regulations of the Revenue Laws of this State; and a Board of Commissioners, to consist of three persons, shall be appointed by the County Court of Obion, to appropriate said funds in the erection of a suitable building in which said Com-

mon Law Court shall be held,—its location to be fixed by a vote as herein before provided.

Sec. 7. *Be it enacted*, That this Court shall be attached to the 9th Judicial Circuit, and the Judge thereof shall hold said Court, and this act shall take effect from and after its passage ; provided the Circuit Court of Obion County shall have jurisdiction co-extensive with said county until said Court shall be fully organised.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 28, 1855.

## CHAPTER II.

**AN ACT** to amend the Charter of the Nashville and North-Western Railroad Company, and to transfer a portion of its State aid to the Memphis and Ohio Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Charter of the Nashville and North-western Railroad Company be, and the same is hereby so amended as to fix the western terminus of said Road at the point of its intersection with the Mobile and Ohio Railroad.

Sec. 2. *Be it further enacted*, That said Nashville and North-western Company is hereby authorised to purchase the Hickman and Obion Railroad, or three fourths of the stock in said Company, and obtain a lease of said Road, for a period not less than a thousand years, and operate it as their own road, on such terms as the said two companies may agree on, and that said Hickman and Obion Railroad Company is hereby authorised and empowered to make such sale and transfer or lease.

Purchase Hickman & Obion Road.

Sec. 3. *Be it further enacted*, That whenever the Nashville and North-western Railroad Company shall have purchased said Hickman and Obion Company, or three fourths of its stock, and taken a lease of said Road for not less than a thousand years, and graded and bridged a section of thirty miles, from the Mississippi River at Hickman, eastwardly, on a section extending from said river, to Dresden, and provided the cross-ties for the same, the Coupon Bonds of the State of Tennessee, shall issue to the Nashville and North-western Railroad Company, at the rate of \$10,000 per mile, on so much of said

section as may lie within this State, on the same terms and conditions in all other respects, as State Bonds issued to other Railroad Companies under the Internal Improvement laws of this State.

SEC. 4. *Be it further enacted*, That whenever said State aid. Nashville and North-western Railroad Company shall have graded and bridged an additional section of not less than ten miles eastwardly from the Mobile and Ohio Railroad, and prepared the cross-ties for the same, an issue of \$10,000 per mile, of State Bonds, shall be made to said Company, to iron and equip said section, and so on for each additional section of ten miles, as is provided by the Act of Assembly of 1853—4.

SEC. 5. *Be it enacted*, That the stockholders in Henry, Stockholders released. and the stockholders living west of the Mobile and Ohio Railroad be, and they are hereby, released from their subscriptions to the Nashville and North-western Railroad Company.

SEC. 6. *Be it enacted*, That in lieu of a portion of the State aid to the Nashville and North-western Railroad through Obion County, there be granted to the Memphis and Ohio Railroad Company, Bonds of the State to the amount of \$50,000, to assist in building bridges across the Forked-Deer rivers between Brownsville and Trenton; and also, the aid of the State to the amount of \$10,000 per mile (if it is not already granted) to said Memphis and Ohio Railroad from Paris to the Tennessee river,—which aid of the State, in both cases, is granted upon the terms and conditions, and subject to all the liens and remedies mentioned in the act of the General Assembly, passed on the 11th day of February 1852; and provided that said Memphis and Ohio Railroad shall not be entitled to any of the benefits of this act, until, in addition to all the requirements of said last mentioned act, the said road shall be located to Paris by the way of Trenton, and actually under contract to Trenton, to good and solvent contractor or contractors: Provided the whole amount of State aid hereby granted to the Memphis and Ohio Railroad shall not exceed the amount of State aid saved on the Nashville and Northwestern Railroad by the foregoing amendments.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM.

*Speaker of the Senate.*

Passed November 16, 1855.

## CHAPTER 3.

**AN ACT** to Incorporate the Institute of Purdy, in McNairy County.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established in the town of Purdy or its vicinity, in the county of McNairy, an institution of learning, having a corporate existence, under the name and style of Purdy University.

**SEC. 2.** *Be it further enacted,* That said institution shall be governed by nine Trustees, who, as well as their successors, shall constitute a body politic and corporate, a majority of whom shall form a quorum for the transaction of business. The first board shall consist of W. C. Kindle, Pleasant Cotes, J. F. McKinney, C. C. Luter, Thos. Combs, F. B. Duke, David McKenzie, J. N. Bamhill, and J. A. McAlpin. All vacancies that may occur in their body shall be filled by the board, and entered upon the minutes. They may elect from their own body a President, Secretary, and Treasurer. Nine Trustees.

**SEC. 3.** That the Trustees be and they are hereby authorised to open books for the subscription of stock, in shares of Ten Dollars, to build said institution, and raise a library or other funds necessary for the interest of said institution. Open books for stock.

**SEC. 4.** That the capital stock of said institution shall be five thousand dollars, with the privilege of increasing the same to an amount sufficient to effect the purposes of this incorporation, and when a sufficient amount of stock shall have been subscribed to purchase ground and erect buildings thereon, said board shall have power to let out, or contract for, the building of the same. Increase stock.

**SEC. 5.** That said board shall have power to employ all necessary teachers and lecturers, fix the rate of tuition, proscribe the course of study, make all necessary rules and regulations, hold real and personal estate, by purchase or otherwise, and sell or exchange the same as the interest of the institution may require, to sue and be sued, and have a common seal. Employ Teachers.

**SEC. 6.** That said board shall have power, in conjunction with the teachers, to confer such literary degrees and diplomas as are usual in such literary institutions, and to have and enjoy all other powers and privileges that are common to corporations of this kind, including the power to make all necessary by-laws for the regulation of said University—not inconsistent with the constitution of this State, or of the United States. Diplomas.

**SEC. 7.** That the first election of Trustees shall be held on the first Monday in December 1856, and annu- Election.

ally thereafter, on such day as the stockholders may determine,—each share being entitled to one vote in said election.

Stock exempt  
from taxation.

SEC. 8. That the stock in said institution shall be exempt from taxation, and that it may be transferable on the books of the Trustees: Provided that no one person shall be entitled to own more than one-sixth of the entire stock; and that in conveyance of real estate, the name of the President of the board, attested by the Secretary, by order of said board, shall be sufficient.

Call for stock.

SEC. 9. That the board of Trustees may call for the payment of stock, in sums not exceeding one dollar on each share, and not oftener than once in every forty days.

Trustees to take  
oath.

SEC. 10. That no person shall be eligible to the office of Trustee, unless he be a stockholder to the amount of five or more shares; and said Trustees shall, before entering upon their duties, take an oath before some Judge or Justice of the peace, to well and truly discharge the duties of Trustees to the best of their skill and ability; and the stockholders shall, from time to time, prescribe their compensation. This act to take effect from and after its passage, and have perpetual succession.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 10, 1855.

## CHAPTER IV.

AN ACT to amend the Act Incorporating the town of Winchester.

To lay off in  
wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the town of Winchester, in Franklin county, be authorised, upon the concurrence of five members of the board, to lay off said town into a suitable number of wards.

Mayor, Consta-  
ble and Alder-  
men to be elec-  
ted.

SEC. 2. *Be it further enacted,* That the Mayor and Constable, and also two Aldermen from each ward, who are to reside in their respective wards, shall be elected by the qualified voters in said corporation, at an election to be held in said town on the first Saturday in January in each year.



**SEC. 3.** *Be it further enacted,* That the persons so elected, shall have all the powers, and privileges, and be subjected to all the liabilities and exemptions of the Mayor and Aldermen, and Constable of said town, by the existing laws.

**SEC. 4.** *Be it further enacted,* That the election provided for in the second section, shall be opened by 11 o'clock A.M., and shall not be closed before three o'clock P. M. The persons having the highest number of votes shall be elected: Provided, that if two or more persons shall have the highest, and an equal number of votes for the same office, the sheriff or officer holding the election shall give the casting vote. Election, how to be held.

**SEC. 5.** *Be it further enacted,* That the Mayor and Aldermen elected under the provisions of this act, shall meet and qualify on the Tuesday succeeding their election, or as soon thereafter as practicable. Five members shall constitute a quorum to transact all business. All vacancies by resignation, refusal to act, or otherwise shall be filled by the Board of Mayor and Aldermen. Mayor and Aldermen to qualify.

**SEC. 6.** *Be it further enacted,* That the Mayor of said town shall have and exercise concurrent jurisdiction with Justices of the Peace, in the trial and punishment of all offences against the ordinances of said town, and be entitled to the same fees for his services as are now allowed to Justices of the Peace. Mayor's jurisdiction.

**SEC. 7.** *Be it further enacted,* That the corporate limits of said town be changed so as to include therein all the property at present owned by the following persons: Adam Hancock, John W. Williams, and William McNabb. To extend limits.

**SEC. 8.** *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 28, 1855.

## CHAPTER V.

AN ACT to Charter the Odd Fellows' Female College at Paris.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Dr. S. Loring, J. H. Vanduyck, J. W. Nance, J. L. Lutherlin, H. W. Foreman,

J. Hicks, and their successors, are hereby incorporated as the Trustees of the Odd Fellows' Female College at Paris; and that they have all the powers and privileges hereinafter enumerated.

**Trustees** SEC. 2. *Be it enacted*, That the Paris Lodge of I. O. O. F., No. —, be authorised to elect six persons who are members of said Lodge, who shall act as Trustees of said College,—three of whom shall serve for one year, and the other three shall serve for two years; and forever after that, each class shall be elected to serve two years each, and the Noble Grand, Vice Grand, and Secretary, shall be Trustees, *ex-officio*, in addition thereto; and that as said Trustees they shall have a common seal, which they may break, alter, or amend at pleasure; may sue and be sued, and shall be capable in law or equity to purchase, receive, or hold to them and their successors, and in like manner, to sell, or convey, or mortgage, any or all property, real, personal, or mixed, for the use and benefit of said Female College.

**Seal.** SEC. 3. *Be it enacted*, That said Independent Order of Odd Fellows, through their Board of Trustees, shall have full power and authority to make, contract, and do every thing which may become necessary or expedient in constructing buildings for the purpose of said Female College, and for enclosing and improving the grounds belonging thereto.

**Buildings.** SEC. 4. *Be it enacted*, That in the sale and conveyance of property belonging to said I. O. O. F., for the use and purpose of said Female College, it shall be sufficient to make the conveyance valid, that it be signed by the Noble Grand and Secretary of the Lodge.

**President.** SEC. 5. *Be it enacted*, That said Board of Trustees shall have the power to elect their own President, and that any five of whom may constitute a quorum for the transaction of business, and that said I. O. O. F. shall elect said Trustees on the first Friday evening of January in each year, in accordance with the provisions of the second section of this act.

SEC. 6. *Be it enacted*, That said Trustees shall have power, and it is hereby their duty to appoint a President of the Faculty of Instruction; to reject or confirm any professor or teacher whom the said President of the Faculty may nominate to assist him in board of Instruction; to award diplomas, conferring any and all degrees, in as full and ample a manner as in any similar Institution, upon the deserving, who shall have so completed the course of study as to obtain the recommendation of the President of the Faculty, and to verify diplomas, and other public certificates, by the signatures of the

**To grant diplomas.**

said President of the Faculty, and that of the Secretary of the board, with the use of the seal adopted by said Trustees.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 14, 1855.

## CHAPTER 6.

AN ACT to establish the County of Cumberland in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county is hereby established by the name of Cumberland: beginning at Jack Officer's in Putnam County, running thence a south direction to the thirteen mile tree, on the turnpike road leading from Sparta, in White County, to Kingston, in Roane County: thence, continuing in the same direction, to the Bledsoe County line, by way of the Tarken Ford on the Cany Fork river, and so as to include the place where George Thomas lives, in the new county: thence, running eastwardly to Hiram Stone's: thence, to Lollett's Mill, on the head of the Sequatchee valley: thence to Boundary. Thompson's Mill, on the stock road in Rhea County: thence, to C. G. Gibson's: thence, northwardly to the Turnpike road before mentioned, leading from Sparta to Kingston, at where the same crosses Mammy's Creek: thence, to the head of Island Creek on the Crab Orchard Mountain: thence, to Davis' Bridge on Daddy's Creek: thence to Davis' Ford, on Obed's River; thence, up Obed's River with its meanderings, to the mouth of Otter Creek: thence, to the mouth of the Wolf-Pen Branch at Clear Creek: thence, up Clear Creek, including T. Tabor's place, and to the Emory Road west of Brice's Creek, and east of Lee Taylor's stand: thence, with said road to the Beginning:—including portions of White, Bledsoe, Rhea, Morgan, Fentress, and Putnam Counties.

SEC. 2. *Be it enacted*, That the said county of Cumberland shall have all of the powers and privileges, and be subject to all the restrictions of the other counties in this Vote a. State, and the citizens thereof shall vote with the counties from which they are taken, for members of Congress, Governor, and members of the General Assembly, until the next apportionment, agreeable to the provisions of

Courts, where  
held.

each year, and said Court shall be held at the Masonic Hall, near Mrs. Merriweather's, until the place is fixed by a vote of the qualified voters of the said District west of Reel Foot Lake; and the Sheriff of said County of Obion is authorised and requested to open and hold an election in the several districts west of said Reel Foot Lake, on the first Saturday in March next, for the purpose of ascertaining the place a majority of the people may wish the court house to be, and on comparing the vote, the place voted for by a majority of said votes shall be, and the same is hereby declared to be the place where said Court shall be held as aforesaid.

SEC. 4. *Be it enacted*, That the return term of said Court shall be the trial term: provided that the service of process is made at least thirty days previous to the commencement of said term; and provided also, that the plaintiff shall file his declaration at the time of the issuance of his summons, a copy of which shall be served on the defendant, or defendants, at least thirty days before the commencement of said Court, and the return of the Sheriff shall be evidence of such service.

Sheriff of Obi-  
on County to  
appoint a Dep-  
uty.

Deputy Clerk.

SEC. 5. *Be it enacted*, That the Sheriff of Obion County shall appoint a special Deputy from among the citizens of said district lying west of Reel Foot Lake, in said county, who shall be duly qualified as other deputies are, whose duty it shall be, to reside in said district, and to attend and wait on said Court, and to perform all the duties required of sheriffs in such cases, and to do and perform all the duties required to be done by sheriffs generally, and shall receive *ex-officio* compensation; and it shall be the duty of the Clerk of the Circuit Court of Obion County, to appoint a Deputy Clerk, who shall also reside in said district, and it shall be his duty to attend said Court, and keep a faithful record of all the proceedings of said Court, and the said Clerk of the Circuit Court of Obion County, and his said special Deputy shall perform all the duties of Circuit Court Clerk, and said Deputy shall have all fees, due said Clerk in cases where he performs the services.

Tax.

Commissioners.

SEC. 6. *Be it enacted*, That the County Court of Obion County be authorised and required to levy a tax not exceeding one thousand dollars upon the taxable property and polls, west of Reel Foot Lake, in Obion County, and that the revenue Collector of said county, is hereby required to collect the same under the regulations of the Revenue Laws of this State; and a Board of Commissioners, to consist of three persons, shall be appointed by the County Court of Obion, to appropriate said funds in the erection of a suitable building in which said Com-

mon Law Court shall be held,—its location to be fixed by a vote as herein before provided.

SEC. 7. *Be it enacted*, That this Court shall be attached to the 9th Judicial Circuit, and the Judge thereof shall hold said Court, and this act shall take effect from and after its passage; provided the Circuit Court of Obion County shall have jurisdiction co-extensive with said county until said Court shall be fully organised.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 28, 1855.

## CHAPTER II.

AN ACT to amend the Charter of the Nashville and North-Western Railroad Company, and to transfer a portion of its State aid to the Memphis and Ohio Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Charter of the Nashville and North-western Railroad Company be, and the same is hereby so amended as to fix the western terminus of said Road at the point of its intersection with the Mobile and Ohio Railroad.

SEC. 2. *Be it further enacted*, That said Nashville and North-western Company is hereby authorised to purchase the Hickman and Obion Railroad, or three fourths of the stock in said Company, and obtain a lease of said Road, for a period not less than a thousand years, and operate it as their own road, on such terms as the said two companies may agree on, and that said Hickman and Obion Railroad Company is hereby authorised and empowered to make such sale and transfer or lease.

Purchase Hickman & Obion Road.

SEC. 3. *Be it further enacted*, That whenever the Nashville and North-western Railroad Company shall have purchased said Hickman and Obion Company, or three fourths of its stock, and taken a lease of said Road for not less than a thousand years, and graded and bridged a section of thirty miles, from the Mississippi River at Hickman, eastwardly, on a section extending from said river, to Dresden, and provided the cross-ties for the same, the Coupon Bonds of the State of Tennessee, shall issue to the Nashville and North-western Railroad Company, at the rate of \$10,000 per mile, on so much of said

of said county, and shall, in all things, be subject to the order of said Court in relation to the buildings and funds, and shall account for all moneys and funds in their hands when required by said court; and shall be entitled to such compensation as the County Court may think reasonable.

**mpensation.** **Sec. 9.** *Be it enacted,* That the first County Court for said county, shall be held on the first Monday in April next, 1856; and shall perform all the duties of other county courts; and the first Circuit Court shall be held on the first Monday in May thereafter, and shall have all the jurisdiction of other circuit courts.

**ourts, when held.** **Sec. 10.** *Be it enacted,* That Thomas Frazier, of Bledsoe County, David Snodgrass, of White County, and Isaac Van Winkle, of Morgan County, Daniel Clark, of White, and John Johnson, of Putnam, are hereby appointed commissioners to locate the seat of justice in said county of Cumberland. They shall, so soon as the County Court shall notify them, proceed to locate the seat of justice for said county; purchase the land and convey the same to the commissioners, as directed in this act. Should any of them fail to attend, the County Court shall appoint others to fill their place. This act shall take effect, provided the same does not violate the Constitution in reducing the counties from which they are taken; and the County Court of said county shall cause the same to be surveyed and a plat thereof to be filed in the Clerk's office of said court.

**Survey.** **Election.** **Sec. 11.** *Be it enacted,* That there shall be an election held at the several districts and precincts in said county of Cumberland, on the first Saturday in March, 1856; at which election, the qualified voters of said county shall vote to elect a Sheriff, Clerks of the Circuit and County Courts, a Register and Trustee, who shall, when elected, be qualified at the first term of their respective courts. And the County Court shall elect the county officers which they are entitled to elect, at their first session, and all elections thereafter for county officers shall take place at the times fixed by law for the elections of such officers in other counties in this State. And it shall be the duty of the Sheriff of Morgan County, to give the notice required by law, and by his Deputies, to hold the elections provided for in this section, and to make the same returns and certificates for said county of Cumberland, which are by law required to be made in other counties.

**nty officers.** **Sec. 12.** *Be it enacted,* That a County Academy is hereby established in said county, known by the name of Webster Academy, and shall be located in or near

the county town of said county, which said Academy shall be entitled to all the rights and emoluments as other county academies are entitled to; and the Clerks of said courts, and Justices of the Peace, shall be entitled to such books as other clerks and justices are entitled to in this State.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed November 16, 1855.

## CHAPTER 7.

AN ACT to amend the Charter of the Edgefield and Kentucky Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That said Company may have the right of extending their road from their depot in Edgefield, so as to unite with the Nashville and Chattanooga Railroad; or the Nashville and North-western, or the Tennessee and Alabama Railroad.

SEC. 2. *Be it enacted,* That the said Company shall be entitled to all the rights and privileges that were conferred upon the Nashville and Southern Railroad Company, by an act of the General Assembly of the State of Tennessee, passed January 1st, 1852, entitled "An Act to Charter the Nashville and Southern Railroad Company."

SEC. 3. *Be it enacted,* That said Company may have <sup>Subscription.</sup> the right of taking subscriptions to their stock, payable in real estate at cash value.

SEC. 4. *Be it enacted,* That if said Company shall grade thirty consecutive miles of its road, commencing <sup>State aid.</sup> at Edgefield, within four years from 1st January 1856, it shall be entitled to all the provisions of the act of the General Assembly of the State of Tennessee, passed February 8th, 1854, entitled "An Act to amend an Act passed 11th February 1852, entitled an Act to establish a system of Internal Improvements in this State:" *Provided,* that sufficient solvent stock is subscribed to prepare the road-bed for the iron, from Edgefield to the Kentucky state line.

SEC. 5. *Be it enacted,* That the capital stock of said <sup>Increase stock</sup> Company may be increased from time to time, by the



board of Directors, to an amount not exceeding two millions of dollars.

SEC. 6: *Be it enacted*, That the above amendments shall work no forfeiture of the charter of the Edgefield and Kentucky Railroad Company; but that the Company shall be entitled to all the rights and privileges that it would have been entitled to, if said amendments had formed part of its original charter.

SEC. 7. *Be it further enacted*; That said Company shall not take any real estate as subscription only for depot purposes.

SEC. 8. *Be it further enacted*, That the Edgefield and Kentucky Railroad Company shall be in like manner bound with the Louisville and Nashville Railroad Company, to cross the Cumberland river at Nashville—subject to the same provisions, liabilities and restrictions, contained in the amended charter of said Louisville and Nashville Railroad Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 15, 1855.

## CHAPTER VIII.

AN ACT to authorise the White's Creek Turnpike Company to change the location of their second Toll Gate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the White's Creek Turnpike Company be, and they are, authorised to remove their second toll gate from its present location, a half a mile nearer to Nashville, to a site now owned by said company, and that they shall have the same rights and privileges at the gate thus erected, as they have now on their old site.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 8, 1855.



## CHAPTER IX.

AN ACT to amend the Act passed January 22d, 1852, entitled "An Act to authorize and regulate County Subscriptions for Railroad Stock."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act entitled "An Act to authorize and regulate county subscriptions for railroad stock," as provides that in the event "a majority of the votes polled be 'No Subscription,' the question as to the propriety of subscribing stock, as provided in said act, shall not again be propounded until after the expiration of six months," be so amended that hereafter the County Court of any county in this State, to whom application may be made, for subscribing stock in any railroad passing through their county, may order an election at any term of the County Court for said county: *Provided*, a majority of the Justices of the Peace of the county concur in said order. *And provided further*, that the company or companies making application as aforesaid, shall, in the event of a failure of the people to vote favorably upon such application, pay the expenses of such election and application. Company pay expenses.

SEC. 2. *Be it enacted*, That it shall not be lawful to pay over the tax voted by any county in the State as stock or scrip, until the President of the road for whose benefit the tax is voted, shall have given bond with approved security, payable to the Chairman of the County Court of the county voting such tax, for the benefit of said county, in double the value of the tax, conditioned for the faithful application of the same in accordance with the provisions of this act, and the acts which it is designed to amend. President.  
Give bond.

SEC. 3, *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 19, 1855.

## CHAPTER X.

AN ACT for the relief of the Securities of Wm. B. Holden, late Sheriff of Marshall County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for each

Securities to  
give note.

security of Wm. B. Holden, late sheriff of Marshall County, to execute his note with good and sufficient security, under the supervision of the district Attorney General, to be approved by the Clerk of the Circuit Court of Marshall county, for such portion of the State tax due from said William B. Holden, late sheriff of Marshall county, for the year 1853, as will be his equal proportion of the amount for which he is bound, dividing the liability among the several securities for said year; which notes shall be made payable two years after given, bearing interest from date, and shall be drawn payable to said Clerk of the Circuit Court of Marshall County, and his successors in office, for the benefit of the State of Tennessee, and shall be collected by said clerk when due, and the proceeds be accounted for by him as other public moneys; *provided*, nothing in this act be so construed as to release any one of the securities until notes with good and sufficient security, covering the whole amount of said liability, be executed to the said Clerk of the Circuit Court of Marshall County; *provided further*, that when such notes shall have been executed, said securities shall be released from further liability on that account. But nothing in this act shall be so construed so as to release the principal or any one of the securities from their liabilities.

SEC. 2. *Be it further enacted*, That the County Court of Marshall County, a majority of the justices concurring therein, may make the same arrangement with the securities of the said William B. Holden, under the supervision of the district Attorney General, in relation to the county revenue due from him and them for the year 1853, which is by the 1st section of this act authorized in relation to the State revenue; and should any notes be given and money collected under the authority of this section, the same shall be accounted for and paid over by the Clerk of the Circuit Court to the Trustee of Marshall County.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 18, 1855.

## CHAPTER 11.

AN ACT to Charter The City Building and Loan Association of Nashville.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an association, which shall be a mutual benefit and stock company, having for its object to assist the members thereof to become their own landlords, or the owners of such real estate as they may need, instead of being the mere renters thereof, is hereby authorized to be formed in the city of Nashville; and for that purpose, Samuel Seay, Josiah Ferriss, A. L. Davis, James Johnson, James A. McAllister, Jesse Warren and John S. Young, and such other persons as may be associated with them by becoming shareholders of the capital stock of the company hereby incorporated, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of **The City Building and Loan Association of Nashville,** and may, by their corporate name, sue and be sued, plead and be impleaded; may make and use a common seal, and alter the same at pleasure; and may use, exercise and enjoy all the rights, privileges and immunities which are incident to corporations.

**SEC. 2.** *Be it further enacted,* That said company shall be, and they are hereby vested with all the rights, powers and privileges, and be subject to all the restrictions and liabilities, of the Memphis Building and Loan Association.

**SEC. 3.** *Be it further enacted,* That Thomas J. Kelly, James Andrews, Nathan Vaught, William J. Dale, John B. Hamilton, Andrew J. McCord and John B. Padgett, and their associates and successors, are hereby created a body corporate and politic, under the name and style of **The Maury County Building Association,** with the same capital, rights, powers and liabilities conferred in the preceding sections of this act upon the City Building and Loan Association of Nashville, and with the object of the working men of Maury County to become their own landlords.

**SEC. 4.** *Be it further enacted,* That Milton Wakeland, Hugh Foresman, John Anderson, John James, Edward McFarland, be, and they are hereby, created a body politic, by the name and style of **The Henry County Building and Loan Association,** and they are hereby entitled to all the rights and privileges, and subject to the same liabilities conferred by this act upon the City Building and Loan Association of Nashville.

**SEC. 5.** *Be it further enacted,* That John S. Goforth,

New Market  
Association.

Dandridge  
Association.

N. Providence  
Association.

William Dick and Patton Howell be created a body politic, with all the rights, privileges and immunities of the Nashville Building and Loan Association, to be called The New Market Building and Loan Association. And that Daniel Gass, James Cox and James Mitchel be created a body politic, with all the rights, privileges and immunities of the Nashville Building and Loan Association, to be called The Dandridge Building and Loan Association.

SEC. 6. *Be it further enacted*, That D. T. Porter, Elsy Trice, Thomas Riggins, Dr. J. L. C. Johnston, Dr. Marable, John A. Barnes, Thomas F. Pettus, William Poin-dexter and John Smith, and their associates and succe-sors, are hereby created a body corporate and politic, under the name and style of The New Providence Build-ing Association, with the same capital, rights, pow-ers and liabilities conferred in the preceding sections of this act upon the City Building and Loan Association of Nashville, and with the object of enabling the working men of New Providence and its vicinity to become their own landlords.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 15, 1855:

## CHAPTER 12.

AN ACT to amend the 2d section of an act passed 8th February, 1854, entitled "An act to amend an act passed February 11, 1852, entitled an act to establish a system of Internal Improvements in this State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, that should the one hundred thousand dollars of bonds authorized to be used for the bridge on the Mississippi Central and Tennessee Railroad, across the Hatchie River, be more than sufficient to build said bridge according to the act authorizing the same, by the consent of said company, any surplus that may exist of said one hundred thousand dollars may be equally divided into three equal parts between the Forked Deer River, on said Mississippi Central and Tennessee Railroad, and the two forks of the Obion River, on the Mobile and Ohio Railroad; and said bonds may issue to said companies accordingly, on compliance with the con-

ditions imposed by law; *provided*, the whole amount shall not exceed the one hundred thousand dollars.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 29, 1855.

## CHAPTER 18.

**AN ACT** to establish a Chancery Court at the town of Altamont, in Grundy County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Chancery Court be, and the same is hereby, established in the town of Altamont, in the county of Grundy, and the Chancellor of the Fourth Chancery Division be required, and it is hereby made his duty, to hold said Court.

Time of holding court.

SEC. 2. *Be it enacted*, That the first term of said Court shall be holden on the first Monday in May, 1856, and forever thereafter on the first Mondays in May and November.

SEC. 3. *Be it enacted*, That hereafter a Chancery Court shall be established in the town of Montgomery, in Morgan County, on the first Thursday after the fourth Monday of March, and the first Thursday after the fourth Monday in September, in each year; and the Chancellor shall appoint a Clerk and Master for said Court, under the same rules and regulations as other Clerks of the Chancery Court are appointed; and the Chancellor of the Fifth District shall hold said Court.

Court at Montgomery.

Kingston.

SEC. 4. *Be it enacted*, That the Chancery Court at Kingston, in Roane County, shall hereafter be held on the first Monday after the fourth Monday in March, and the first Monday after the fourth Monday of September, in each year.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 5, 1855

## CHAPTER 14.

AN ACT to amend an act incorporating the town of Williamsport, in the County of Maury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act incorporating the town of Williamsport, passed November 12th, 1845, ch. 2, as regulates the number of aldermen that shall be elected for said town, be, and the same is hereby, so amended that said Board shall hereafter consist of five, instead of seven, any three of whom shall constitute a quorum.

SEC. 2. *Be it further enacted*, That hereafter the Constable to be elected by said town, shall have all the powers within the corporate limits of the same that district Constables now have, and shall collect the taxes of said corporation. And that the provisions of this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 3, 1855.

## CHAPTER 15.

AN ACT to incorporate the Clislean Society of the Baptist Female College, Brownsville, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nellie S. Jamison, Ellen D. Young, Fannie A. Young, Poca C. Estes, Annie L. Estes, Lucretia A. Bass, Lavinia F. Green, Anna Jones, Permelia A. Peete, Minnie E. Rayner, Nannie Whitelaw, Sallie J. W. Young, and those associated with them, and their successors, be, and they are hereby, incorporated and made a body politic, by the name of The Clislean Society of the Baptist Female College, Brownsville, Tennessee, for the purpose of cultivating a correct literary taste, and diffusing intellectual and moral improvement among its members, with full power and authority to form and adopt such a Constitution and By-laws as they may think proper for its government; *provided*, the same be not inconsistent with the Constitution of the State of Tennessee.

Sec. 2. *Be it further enacted*, That the persons hereby incorporated may use a common seal; may sue and be sued; make by-laws and contracts; buy, hold and sell property, real and personal, to the amount of ten thousand dollars; and may exercise all powers belonging to corporate bodies for the purpose of promoting useful knowledge.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 29, 1855.

## CHAPTER 16.

AN ACT to amend an act entitled "An act to clear out the drift in the mouth of the Forked Deer River."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Commissioners appointed by the act passed 31st day of January, 1854, entitled "An act to clear out the drift in the mouth of the Forked Deer River," or their successors in office, be, and they are hereby, authorized to expend two thousand dollars of the sum appropriated by said act, in clearing out, opening, constructing, improving, and in securing a channel for said river, down what is called and known as the Lost Channel.

Sec. 2. *Be it further enacted*, That in addition to the Commissioners heretofore appointed and elected, that James Loward, of the county of Lauderdale, and Henry Buck, of the county of Haywood, be, and they are hereby, appointed Commissioners to carry out the objects of this act, and the one which it is intended to amend. And that this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 29, 1855.

## CHAPTER 17.

**AN ACT** giving the Blountsville, Middletown and Elizabethton Turnpike Company further time to build their Road, and revising the Washington County and Walnut Mountain Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Blountsville, Middletown and Elizabethton Turnpike Company have, in addition to the time allotted them by their charter, the further time of two years to finish their turnpike road in Sullivan and Carter Counties.

Two years to  
complete road.

SEC. 2. *Be it further enacted,* That the Washington County and Walnut Mountain Turnpike Company is hereby revived, and that said Company have the further time of two years to complete their road.

Grayson Turn-  
pike.

SEC. 3. *Be it further enacted,* That the first section of an act passed 23d December, 1852, ch. 264, to incorporate the Grayson Turnpike Company in Marion County, be so amended as to authorize Henry Grayson to commence his turnpike road at the foot of Cumberland, and terminate at the top of said Mountain.

SEC. 4. *Be it further enacted,* That the provisions of this act be extended to the Columbia, Mooresville, Cornersville and Lewisburg Turnpike Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 19, 1855.

## CHAPTER 18.

**AN ACT** to repeal the act declaring the North Fork of the Obion River navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws heretofore passed declaring the North Fork of the Obion River navigable, be, and the same are hereby, repealed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 3, 1855.



## CHAPTER 19.

AN ACT for the benefit of James McGhee, of the County of Humphreys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be, and he is hereby, directed to issue his warrant to James McGhee, of the County of Humphreys, for the sum of thirty-one dollars and twelve and one-half cents, for keeping in jail certain negroes, at the instance of the State of Tennessee.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 4, 1855.

## CHAPTER 20.

AN ACT to charter the Shelbyville University of the Tennessee Conference.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of the 9th of February, 1854, chapter 211, entitled "An act to incorporate the Shelbyville Male High School of the Tennessee Conference, and for other purposes," so far as it charters said High School, be so amended as to make said High School a University, to be styled The Shelbyville University of the Tennessee Conference, with all the powers conferred by said act on the trustees of said High School, so far as the same are applicable; and also all the powers, privileges, rights and immunities, and all the liabilities and restrictions, conferred and imposed by the act of the 30th December, 1843, ch. 55, entitled "An act to establish Cumberland University, at Lebanon, Wilson County," so far as the same are applicable, and are not inconsistent with this act and the act of the 9th February, 1854, chapter 211, above quoted.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 14, 1855.

## CHAPTER 21:

AN ACT to extend and define the corporate limits of the City of Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundaries and corporate limits of the city of Knoxville, in the County of Knox, in said State be, and the same are hereby, extended, and shall hereafter be as follows, viz: Commencing at low water mark on the Holston River, and at the mouth of First Creek, thence up the west bank of said creek, with the various meanders thereof, to the point where the East Tennessee and Virginia Railroad crosses said creek; thence, westwardly a direct line to the east bank of Second Creek, at a point on John Dawson's land, so as to include the grounds of "Gray's Cemetery" within said corporation; thence, down said east bank of said Second Creek to the mouth thereof at low water mark in Holston River; thence, up said river, with its various meanders at low water mark, to the beginning; and that the jurisdiction of the Mayor and Aldermen of said city of Knoxville, and all existing laws, ordinances, rules and regulations thereof be, and the same are hereby, extended over the territory embraced within the boundaries aforesaid, as fully and to the same extent as the same are now over the territory now incorporated.

SEC. 2. *Be it enacted*, That all the powers and privileges, rights and disabilities pertaining to said corporation, and the Mayor and Aldermen, and all other officers thereof under the existing statutes and laws of the State of Tennessee over the territory, its inhabitants and property at present incorporated, shall be extended over the territory, its inhabitants and property embraced within the limits and boundaries mentioned in the first section of this act; and nothing herein contained shall be so construed as to effect or limit any of the chartered rights or privileges of said corporation, but to extend the same over the territory and to the extent aforesaid; *Provided*, however, that the Deaf and Dumb Asylum and Gray's Cemetery shall be exempt from corporation tax.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 20, 1855.

## CHAPTER 22.

**AN ACT** to establish a Chancery Court in the town of Cookeville, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County of Putnam shall constitute a separate Chancery District, and that the courts of the same shall be held by the Chancellor of the Fourth Chancery Division of the State of Tennessee, at the court house in the town of Cookeville, in the County of Putnam, on the first Friday after the first Monday in February, and the first Friday after the second Monday in July, in each and every year; that it shall be the duty of said Chancellor to appoint a Clerk and Master of said county, who shall give bond and security, and shall be subject to all the duties and liabilities now by law imposed on said office. Time of holding Court.

**SEC. 2.** *Be it further enacted,* That it shall be lawful for the Chancellor, upon application of the complainants, and with the consent of defendants, to order that the causes now pending in the Chancery Courts at Livingston, Gainesborough, and Smithville, Tennessee, which originated in the said County of Putnam, be transferred to the Chancery Court hereafter to be held in the town of Cookeville. Cause Transferred.

**SEC. 3.** *Be it further enacted,* That upon any order of transfer being made, as provided for in the second section of this act, it shall be the duty of the Clerk and Masters of the Chancery Courts at Livingston, Gainesborough, and Smithville, within forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all rules in relation to the same, either upon the record books of said Court, or upon the rule docket; and transmit the same, together with the original papers, to the Clerk and Master of the Court at Cookeville; and the Clerk and Master shall receive the usual fees to be taxed in the bill of costs.

**SEC. 4.** *Be it enacted,* That this act shall take effect on and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 24, 1855.

## CHAPTER 23.

AN ACT to change the name of Sampson Steward.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Wallace, of Anderson County, be permitted to adopt Sampson Steward as his own child, which is hereby declared to be done, and the same rights and benefits are hereby, and by virtue of such adoption, conferred upon said Sampson, as he would be entitled to had he been born the child of said Isaac Wallace in wedlock. That he be entitled and capable of inheriting or succeeding to the personal or real estate of said Isaac Wallace, as fully as if born his own child; and that his name be, and the same is hereby, changed from Sampson Steward to Sampson Wallace.

SEC. 2. *Be it enacted*, That the name of James Brooks, a grand son of Stephen Huff, of Cocke County, be, and the same is hereby, changed to James Huff.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 16, 1855.

## CHAPTER 24.

AN ACT to allow interchange of Judges and Chancellors.

*Be it enacted by the General Assembly of the State of Tennessee*, That the Judges of the Circuit, Common Law, and Criminal Courts, of the State of Tennessee, be authorized to interchange with the Chancellors of this State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 27, 1855.

## CHAPTER 25.

AN ACT to incorporate the Memphis Cotton Mills.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and politic, is hereby constituted and established, by the name and style of the "Memphis Cotton Mills," for the purpose of manufacturing goods and articles from cotton, wool, hemp, or silk; and for making machinery or implements of metals, woodware, or other materials; and for the erection of mills for the grinding of grain, and the manufacture of flour; and said Company is empowered to make and use a common seal, and the same to change at pleasure—to make such By-Laws, not inconsistent with the laws of this State, or the United States, as are necessary or useful; to sue and be sued; to plead and be impleaded; to have a succession; to hold by purchase or otherwise, and dispose of the same, any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of, in payment of debts due it in any part or in whole—provided, nevertheless, that the real estate so held, shall at no time exceed the maximum amount of its capital hereinafter provided for.

Name and style.

**SEC. 2.** *Be it enacted,* That the capital stock of said Company shall be divided into shares of one hundred dollars each; shall not consist of less than two hundred shares, nor more than three thousand; shall be transferred only on the books of the Company, and then only with the consent of the Board of Directors, unless the whole amount of instalments due thereon, shall have been paid previously. The Company shall have power to declare forfeited to it, any stock which may remain unpaid in whole or in part; or it may, at its option, sue for and recover the unpaid amount, before any tribunal having jurisdiction of such sums—first, however, giving thirty days' notice of such call having been made.

Stock.

**SEC. 3.** *Be it enacted,* That R. C. Brinkley, Thos. H. Allen, W. J. Davie, D. M. Leatherman, and W. S. Macrea, are hereby appointed Commissioners, any three of whom may act, to open books of subscription to the capital stock of said Company, at such time and place as they may select; and when the number of two hundred shares, or such greater number not exceeding three thousand, as may be determined on by the acting Commissioners, shall have been subscribed for, the said Company shall proceed to elect five Directors, who, with a President to be elected from their own body, shall man-

Commissioners.

Directors.

age the affairs of said Company or Corporation, and may hold their office for the term of one year, or until their successors shall be elected.

SEC. 4. *Be it enacted*, That said Corporation may at any time increase its stock by a vote of the holders of a majority of the stock already subscribed, provided it shall not be increased beyond three thousand shares.

SEC. 5. *Be it enacted*, That all contracts shall be signed by the President, and in his absence, by a President, pro tem., appointed by the Directors.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 14, 1855.

## CHAPTER 26.

AN ACT to incorporate the Nicojack Railroad and Mining Company.

Corporate name  
and style.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a Company is hereby authorised for the construction of a Railroad from Shell Mound or Nicojack Depot, on the Nashville and Chattanooga Railroad, to run the most eligible route from said Depot to the State line of Tennessee and Georgia, in the most direct and suitable way, to the coal beds or mines of Z. H. Gordon & Co., and James H. and Andrew G. Gordon & Co., on the Raccoon Mountain, in the County of Dade, in the State of Georgia: which Company shall consist of the stockholders, and when formed, shall be a body corporate, by the name and style of the Nicojack Railroad and Mining Company, and by such name, shall have and enjoy, possess and exercise, all the rights, privileges, and franchises, so far as the same are applicable, which the Nashville and Chattanooga Railroad Company have by the terms of an act passed 11th December, 1845, entitled "An act to incorporate the Nashville and Chattanooga Railroad Company," and be subject to the same limitations and restrictions therein imposed. *Provided*, that each share of stock shall entitle the owner to one vote.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be ten thousand dollars, with the privilege of increasing it to twenty-five thousand dollars, if

the Company should think proper to do so: to be divided into shares of twenty-five dollars each; and that Zachariah H. Gordon, John M. Flournoy, James H. Gordon, Andrew G. Gordon, and William L. Gordon, are hereby appointed a Board of Commissioners, who may, at such times and places, and upon such terms as they may think proper, sell or dispose of, or open books for the subscription of said stock, and who shall, as to this road in all respects, have the power, and perform the duties prescribed for the Board of Commissioners of the Nashville and Chattanooga Railroad Company, by the 4th section of the act aforesaid in relation to that road; and when the number of one hundred shares shall be subscribed, the Company shall be considered as formed, and as having a corporate existence as aforesaid, and the Board of Commissioners may proceed to survey <sup>Survey and construct.</sup> the route of the road; and make an estimate of the cost of its construction; and when one hundred shares shall have been subscribed, the Board of Commissioners shall appoint a time for the stockholders to meet at Nicojack Depot, in Marion County, Tennessee, for the purpose of electing a President and three Directors, to manage the affairs of the Company; the President shall be elected, as well as the Directory, by the direct vote of the stockholders. *Provided*, that the Governor shall not be authorized to endorse the bonds of said Company; and *provided* further, that nothing in this act shall be so construed as to confer banking privileges upon said Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 8, 1855.

## CHAPTER 27.

AN ACT to change the lines between the Counties of DeKalb, Putnam and Cannon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county lines between DeKalb and Putnam be so changed as to commence where the DeKalb County line crossed the old line that divided Smith and Jackson, near Elijah Smith's, running north

with the main direction of said old line so as to include Thomas and Abner Harper, and on to the top of the ridge between the Buffalo Valley and Wolf Creek; then with the main directions of said ridge to said creek just below Jesse Hale's; thence down said creek to its mouth; thence up the river with its meanders to the DeKalb County line, near James Jones's.

Sec. 2. *Be it enacted*, That the first section of an act, chapter 152, passed the 14th of February, 1854, be and the same is hereby repealed.

Sec. 3. *Be it enacted*; That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 20, 1855.

## CHAPTER 28.

AN ACT to alter the dividing lines between the Counties of McMinn and Monroe.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the dividing line between the Counties of McMinn and Monroe be altered or changed, so as to commence at the white cliff on the old boundary line on Starr's Mountain; thence running north to intersect the original line that was first run between McMinn and Monroe Counties, so as to include the lands of Thomas Lesly, and eight qualified voters in McMinn County.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 10, 1855.



## CHAPTER 29.

AN ACT to reduce the number of Directors in the Branches of the Union Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Union Bank of the State of Tennessee may reduce the number of Branch Directors to seven,—of whom, three shall constitute a quorum.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 26, 1855.

## CHAPTER 30.

AN ACT to repeal the first three sections of an act passed February 20th, 1854, entitled "An act prescribing the duties of Registers, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first three sections of the above recited act be, and the same are hereby, repealed.

SEC. 2. *Be it enacted*, That hereafter it shall be the duty of the County Court Clerk to collect the State tax on all deeds for registration. Tax—how collected.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Registers, to make settlements with the Clerks of their respective County Courts, and pay over any moneys that may have come into their hands since their last settlement with the County Commissioners of their respective counties; and the Clerks shall account for the same in their settlement with their County Commissioners, and pay the same over, as heretofore provided by law. Register to settle

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 15, 1855.

## CHAPTER 31.

AN ACT to amend the act of 1854, chapter 127, establishing a Chancery Court at Newport, in the County of Cocke.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the Chancery Court at Newport, in the County of Cocke, shall be held upon the first Mondays of March and September; and that all process returnable to, and reports of the Master to be submitted at, the December term of said Court, 1855, shall be returnable to, and be submitted at, the terms of said Court to be held on the first Monday of March, 1856; and that this act shall take effect from and after the passage thereof.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 9, 1855.

## CHAPTER 32.

AN ACT to amend, and reduce into one, the acts relating to the charter of the town of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the section of country comprised within the following limits, to wit: Beginning on the line of the south boundary of said town, as heretofore established, at the Cumberland River, running east with Roberts' line to the corner of Roberts' addition to said town; and from thence to Elder's Spring, so as to include the same; thence north-eastwardly to a point in the Nashville road, so as to include the brick building of John Bullard, east of and adjoining the present residence of E. R. W. Thomas; thence north to a point in the old Russellville road, where the turnpike leaves the same; thence to the lower Red River bridge; thence to the middle of the said river; thence down said stream to the middle of Cumberland River; thence up the middle of Cumberland River, to a point opposite the beginning point; thence straight to the beginning; and the inhabitants thereof are hereby incorporated and constituted a body politic and corporate by the name and style of the City of Clarksville, and shall have perpetual

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succession; and by their corporate name may sue and be sued, plead and be impleaded, grant, sell, purchase and hold property, real, personal, and mixed; and may have and use a corporate seal, changeable at the pleasure of the City Council: *Provided*, that the line of the corporation running from the Russellville turnpike to the mouth of Red River, shall be so run as to exclude the place purchased by A. Robb from Bailey and Wisdom. Common Seal.

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have full power and authority by ordinance, within the limits aforesaid:—

1st. To levy and collect taxes upon all property in said limits, taxable by law for State purposes; and upon all privileges and polls in said limits, taxable by the laws of the State. Levy tax.

2d. To appropriate money and provide for the payment of the debts and expenses of the city; and to borrow money, so as not to exceed twenty thousand dollars of borrowed money at any one time. Appropriate money.

3d. To make regulations to prevent the introduction or spread of contagious or infectious diseases into the city: to make quarantine laws for that purpose, and to enforce the same to the distance of two miles from the city; and to establish, build and regulate hospitals. Diseases.  
Hospital.

4th. To establish and support a system of free schools, and regulate the same, so as to secure the most efficient management, and to prevent sectarian or denominational influences. Schools.

5th. To make and enforce regulations to secure the general health of the citizens; and to prevent and remove nuisances. Nuisances.

6th. To provide the city with water, by water-works within or beyond the boundaries of the city. Water.

7th. To open, alter, abolish, widen, extend, grade, establish, pave, define boundaries, close, and cleanse, keep in repair, and improve streets, alleys, and side-walks, or have the same done. Streets.

8th. To erect, establish, keep in repair, open, close or remove bridges, culverts, sewers, gutters, hydrants and cisterns on the squares, streets and alleys.

9th. To provide for lighting the streets and alleys. Lights.

10th. To establish, support, and regulate a day police or a night watch and police; or both. Police.

11th. To erect market houses, establish markets, and regulate, change or abolish the same. Market.

12th. To provide for enclosing, improving and regulating the public grounds belonging to the city; in or out of the corporate limits. Public grounds.

13th. To improve and preserve the navigation of the

**Navigation.** Cumberland River within the city, the limits of which shall extend to the middle of said river.

**Wharves.** 14th. To erect, repair and regulate public wharves, docks, and landings, and to fix the rate of wharfage thereat; not extending, however, to any now owned by private persons, unless by purchase or gift the city becomes the owner.

15th. To regulate the stationary anchorage and mooring of vessels, watercraft and rafts at other places than wharves within the city.

**Licenses.** 16th. To tax, license, and regulate auctioneers, auction houses, grocers, merchants, retailers, taverns, brokers, coffee houses, confectionaries; hawkers, peddlers, livery stables, livery stable keepers, negro traders, bankers, banks, bank agencies, provision dealers, jewelers, dealers in stationery, insurance companies, insurance agencies, hackney coaches or carriages, carts, wagons, drays, and all other vehicles for hire, and fix and enforce and regulate the rates to be charged for the carriage of persons and of property within the city; and to the public works or property of the city out of the limits of the city.

**Porters.** 17th. To license, tax and regulate porters, and fix and enforce the rates of portage within the city, and to the property of the city, out of the city limits.

**Shows.** 18th. To license, tax and regulate theatrical, animal, circus, and all other exhibitions, sleights of hands, shows, and amusements, save paintings and sculpture.

19th. To regulate, fine, and suppress all disorderly houses, assignation or bawdy houses, and gambling houses.

**Fire Companies, &c.** 20th. To provide for the prevention and extinguishment of fires; to organize, establish and equip fire companies, hose companies, and hook and ladder companies; to regulate, restrain or prohibit the erection of wooden or combustible buildings in any part of the city; to regulate and to prevent the carrying on of manufactories dangerous in causing or producing fires; to regulate the storage of gun powder, tar, pitch, rosin, saltpetre, gun cotton, and all other combustible or explosive material; and the use of lights, candles, and stove pipes in all stables, shops, and all other places in the city; the cleansing, burning and sweeping of chimneys or stove-pipes in the city; and to fine, regulate and prevent the discharging, firing or shooting of guns, pistols, fire-crackers, and all species of fire-works in the city.

**Weights and Measures.** 21st. To establish standard weights and measures, and regulate the weights and measures used in the city, in all cases not provided for by law; and to enforce the use of

the State and city weights and measures; to provide for the inspection and measuring of lumber, and all other building material; to provide for the inspection, weighing or measuring of all kinds of coal, wood and fuel, hay, corn, fodder, and all other kinds of grain or provender; to provide for and regulate the inspection of all meats, breadstuffs, oils, whisky, and other spirits, in barrels, hogshéads and other vessels; to regulate the inspection of butter, land; and all other provisions; to regulate the vending of meats, poultry, fish, game, vegetables, and all other provisions; to restrain, fine and punish, the forestalling of provisions, and to suppress, fine, and prevent huckstering.

22d. To regulate the police of the city; to impose fines, forfeitures, and penalties for the breach of, or to enforce any ordinance; to provide for their recovery and appropriation; to provide for the arrest and confinement, until trial, of all riotous or disorderly persons within the city at any time; to authorize the arrest and detention of all free negroes, slaves or suspicious persons found violating any ordinance of the city; to regulate the time and circumstances at and under which free negroes or slaves may be absent from their respective places of abode, and ordain the punishment for a breach of such regulations.

Public Regula-  
tions.

23d. To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, and disturbances or disorderly assemblies in any street, house or other place in the city at any time.

24th. To fix, from time to time, City Wards, and the number and limits thereof, and make regulations therefor.

Nuisances, &c.

25th. To prevent and remove all encroachments into and upon any street, alley, lane, or avenue established by law, use or ordinance; to remove all obstructions from the side-walks, and to provide for the construction and repair of all side-walks and curbstones, and for cleansing the same, and of gutters or streets, at the expense of the owners of the ground fronting thereto; and to regulate the running at large and the tying or fastening on the streets of all cattle, horses, mules, stock; and to regulate and prevent the stationing, placing or leaving of teams and wagons on the public thoroughfares, and fast riding or driving on the same.

26th. To pass all ordinances, and enforce the same, necessary to carry out the foregoing or ensuing powers, and the objects of the incorporation, not contrary to the laws of the land.

Sec. 3. *Be it enacted*, That all ordinances and resolutions heretofore passed, enacted or ordained by the May-

or and Aldermen of Clarksville, and in force at the passage of this act, shall remain and be in full force and effect until altered, amended, repealed, or they expire by limitation.

**Charter to repeal.** SEC. 4. *Be it enacted*, That the General Assembly of Tennessee may, at any time, alter, amend, or repeal this charter; and the same is hereby declared to be a public law, and may be read as evidence in any and all courts without proof or special pleading.

**Digest to prepare.** SEC. 5. *Be it enacted*, that there shall be prepared and published by the City Council a digest of all existing laws, ordinances and resolutions, of a public nature, now in force, within six months after the passage of this act, and a like digest every three years thereafter; and they shall publish in hand-bills, or in the newspaper having the largest circulation in the city, all laws or ordinances by them passed, as soon after their passage as practicable.

**Work House.** SEC. 6. *Be it enacted*, That the City of Clarksville aforesaid, shall have power to erect, or purchase, or rent and organize and regulate a work-house in or near said city; and any person who shall fail, refuse or neglect to pay any fine or cost imposed on him under any ordinance of the city, shall be committed to the work-house until such fine and cost be fully paid. Every person so committed to the work-house, shall be required to work for the city at such work as his or her health and strength will permit, within or without the work-house, not exceeding ten hours each day, (Sunday excepted); and for such work and labor, the person so employed shall be allowed fifty cents per day and board, until the whole fine and costs are discharged, when said person shall be released: *Provided*, that no person shall be compelled to work longer than three months for any one offense.

SEC. 7. *Be it enacted*, That for any expense paid by the city under the 25th clause of Section 2 of this Act, the said City of Clarksville may recover the amount so paid by action of debt or assumpsit for money paid to the use of said owner, or person, by any jurisdiction having cognizance thereof; said payment and debt being a lien on the lot of said owner for eighteen months.

**Commissioner to elect.** SEC. 8. *Be it enacted*, That the Mayor and Aldermen of said city shall annually elect a Commissioner, whose duty it shall be, within thirty days thereafter, to take a list of said taxable property and polls, and privileges exercised in said corporate limits, which list shall be returned to said City Council, and recorded in the books of said city; and on said return, or an estimate thereof

by the Commissioner, (who is hereby empowered to administer oaths in taking said list, as a county assessor,) the said Mayor and Aldermen shall then assess and levy **Taxation.** the taxes for the current year: *Provided*, their taxes for any one year shall not exceed fifty cents on each one hundred dollars of the value of said property; save and except such special taxation as may now or hereafter be allowed the Mayor and Aldermen of Clarksville, or the city of Clarksville, over and above that rate by the General Assembly aforesaid. And after said levy, the Commissioners shall extend the amount due from each person on said list, and return also a duplicate. The city of Clarksville may alter or amend, add to or take from, said list, as to them may seem proper, not exceeding one half of one per cent., save as aforesaid. Said list shall have separate columns, showing:—1. The number of city lots; 2. The value thereof; 3. The number of slaves owned; 4. The value thereof; 5. **Tax list sworn to.** The number of slaves hired, whose owners do not live in said city; 6. The amount of hire paid therefor; 7. The value of all other taxable property; 8. Polls taxable; 9. Privileges; 10. Amount due from each person; and shall be sworn to, by the Commissioner, before the Mayor or a justice of the peace.

**Sec. 9.** *Be it enacted*, That the Recorder of said city, within twenty days after the return of said list, shall record the same in the books of his office, and shall deliver a copy thereof, signed by the Mayor and Recorder of said city, to the City Constable of Clarksville, taking his official receipt therefor; which copy shall be held, and deemed a writ of *feri facias*, against the personal effects of the person therein named; and the said City Constable shall have the same power and authority, under said copy, to collect said taxes, that constables now have under writs of *feri facias*, issued by justices of the peace.

**Sec. 10.** *Be it enacted*, That whenever the City Constable shall not find, within said corporation, personal property of value sufficient to satisfy the taxes of any person mentioned in said transcript, he shall return the fact upon said list; and thereupon, the Mayor shall issue an execution against the real estate of the party to be found in said corporate limits, and the City Constable shall return the same to the next Circuit Court thereafter, for the County of Montgomery, and said Court shall, thereupon, condemn said land to be sold, and shall award a writ of sale, to the Sheriff of said County directed, who shall sell under the same, and make returns as in other *venditioni exponas*.

**Circuit Court  
issue writ.**



**Land—how sold.** SEC. 11. *Be it enacted*, That equitable, as well as legal, estates in land, may be levied on to enforce the collection of said taxes, and the purchasers thereof, under the sale made by the Sheriff as aforesaid, shall be substituted to all the rights of the former owner. The Sheriff, after the return of the writ of sale, shall, upon request of the purchaser, make to him a fee simple deed for the land sold: *Provided*, it shall be subject to redemption, as other lands sold under execution.

SEC. 12. *Be it enacted*, That the taxes assessed by the City Council, on real estate, shall be a lien thereon for eighteen months.

**Mayor and Recorder have Magistrate jurisdiction.** SEC. 13. *Be it enacted*, That the Mayor and Recorder of said city, each, shall have concurrent jurisdiction with the justices of the peace for Montgomery County, of all cases, of a criminal nature, arising within the limits of said city; subject to, and regulated in every respect by, the laws that govern proceedings before justices of the peace; and for this purpose, may use the county jail of said county, and may send the City Constable into any part of Montgomery County, to execute process in such cases; which the said City Constable is, hereby, empowered and authorized to execute and return, according to the laws governing constables in like cases, any where in said County; and the Mayor and Recorder of said city, each, shall have authority to administer oaths and affirmations, and to take depositions, in the same way, and for the same purposes, and for the same fees, and under the same laws, as justices of the peace.

SEC. 14. *Be it enacted*, That fines and forfeitures and penalties, for the breach of the by-laws and ordinances of said corporation, may be recovered before the Mayor of Clarksville, or any justice of the peace for Montgomery County; and said Mayor or justice of the peace shall have power to issue process, either summons or capias, and subpoena, render judgment, issue execution, demand bail, or commit to the work-house, as is herein provided—the proceedings to be regulated by the laws governing justices of the peace, and by this act, giving either party the right to appeal to the Circuit Court, as in other cases.

SEC. 15. *Be it enacted*, That the ordinances or laws of said corporation, imposing fines, penalties, and forfeitures, shall be construed remideally, and the statute of jeofail shall apply to all process or proceedings issued or done under this act, by the Mayor, Recorder, or any justice of the peace, or any other officer; and the pro-



cess may be amended, from time to time, so as to promote the attainment of justice; and all process issued by the Mayor, Recorder, or any justice of the peace, may be directed to the City Constable, or to any constable of the county, who shall execute and return the same, as other process issued by justices of the peace.

Sec. 16. *Be it enacted*, That the Mayor, Recorder, or any justice of the peace, may commit to the work-house for three months or less, any person or persons who have no apparent means of subsistence, or neglect applying themselves to some honest calling, for the support of themselves and families. Every person so offending, who shall be found sauntering about, neglecting his or her business, and endeavoring to maintain himself or herself, by gaming or other undue or indecent means, or who makes no endeavor to support himself or herself, it shall and may be lawful for either of the above named officers, on oath made, to issue a warrant for said person or persons' arrest, and on failure of said person giving bond and security for his good behavior, or the refusal or neglect to do so, either of said officers may commit him to the work-house, for any time not exceeding three months, under the regulations of said work-house; and the funds arising from the work of said person, shall be appropriated to the support of his family, if he have one; if not, to the payment of said persons' debts, if any they have; if not, to be paid to said person at the expiration of the term; which punishment may be inflicted as often as the person may be guilty, allowing thirty days between the punishment and the offence: *Provided*, said person shall have the right to demand and have a trial, by jury, before said officers, who are authorized to have the jury summoned and sworn; and an appeal may be taken, upon giving bond and security, for costs, and for appearance at the next Circuit Court for Montgomery County.

Appeal to Circuit Court.

Sec. 17. *Be it enacted*, That the City Constable of Clarksville, shall hold an election at the Court House in Clarksville, on the first Saturday in January next, after the passage of this act, and on the first Saturday in January, in each and every year thereafter, for the purpose of electing a Mayor, eight Aldermen, and a Recorder, each for one year, and until their successors are qualified, commencing on the first day of February next thereafter; and all persons having a freehold in said city, and all persons who shall have resided in said city for six months next preceding said election, and

Certificate of  
election.

would be qualified to vote for members of the General Assembly, shall, if they have paid all taxes, fines, and forfeitures by them due and owing to said corporation, be entitled and qualified to vote; and no person shall be eligible as an Alderman or Mayor, unless he be a citizen and freeholder of said city. The eight persons receiving the highest number of votes for Aldermen, and the person receiving the highest number of votes for Mayor, and the person receiving the highest number of votes for Recorder, shall be taken to be duly elected to said offices—subject to a contest, as in county elections; and the City Constable shall deliver a certificate of election to each of the said persons so receiving the highest number of votes, as aforesaid. In case of vacancy in any of these offices, from any cause, the Mayor and Aldermen, or the Aldermen, as the case may be, shall elect some person or persons to fill the vacancy or vacancies. Said Mayor, Recorder, and Aldermen, before assuming their respective offices, shall take an oath before the Mayor in office, or some justice of the peace for Montgomery County, to demean themselves in their official capacity, faithfully, uprightly, and honestly: *Provided, however*, whenever the City Council lays the city off into wards, each ward shall be entitled to one Alderman, and the election shall be held pursuant to the regulations made for the wards by said Council.

Officers give  
bond.

Sec. 18. *Be it enacted*, That the City Constable, Treasurer, Market Master, Police Officers, and all others, whose election is not hereinbefore provided for, shall be elected by the Aldermen for the unexpired term, unless removed by the Board for cause shown; and said Council may require of each of these officers bond for the discharge of their duties, with good security, in such sums as they may deem proper, and may remove either of them, for cause, from office. In the absence of the Mayor, the Aldermen may appoint a Mayor pro tem., and transact any business that they could were he at the meeting.

Sec. 19. *Be it enacted*, That said Mayor and Aldermen shall have power to appoint, at any time, and for any period not exceeding their own unexpired term of office, a City Surveyor, and define his duties and his pay; and his report, and acts, and evidence, shall be equal in every respect, to those of a county surveyor, within said corporate limits, or about the property of the corporation without said limits.

Sec. 20. *Be it enacted*, That all acts inconsistent with

this act are, hereby, repealed; and this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 20, 1855.

### CHAPTER 33.

AN ACT to amend an act incorporating the Columbia and Fountain Creek Turnpike Company, passed February 9, 1850.

*Be it enacted by the General Assembly of the State of Tennessee,* That the act incorporating said Company be so amended as to grant the Stockholders thereof, the further time of two years for the completion of said road.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM;

*Speaker of the Senate.*

Passed November 1, 1855.

### CHAPTER 34.

AN ACT conferring additional power on the Mobile and Ohio Railroad Company to borrow money.

*Be it enacted by the General Assembly of the State of Tennessee,* That the act to incorporate the Mobile and Ohio Railroad Company, passed January 28, 1848, be so amended as to authorize said Company to borrow any sum or sums of money that said Company may conceive necessary to construct and complete their said road, and issue the bonds of said Company for the same, bearing any rate of interest not exceeding the legal rate of interest in the market where negotiated or sold; also to sell and dispose of said bonds at such rates and at such places as they may think proper. The said Company is hereby authorized to give a lien upon their

road, franchises, lands and tenements, machinery, &c., by mortgage or otherwise, for the payment of said bonds and the interest thereon; *provided*, that this act shall not in any manner effect the rights or lien of the State on said road under the several laws in force granting State aid to said Company, or give to any person or persons any right or preference over the State.

NEILL S. BROWN;

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 31, 1855.

## CHAPTER 35.

AN ACT to authorize the Governor to endorse and guarantee duplicate bonds of the Nashville and Chattanooga Railroad Company in place of those destroyed by fire.

*Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of this State be, and he is hereby, authorized to endorse and guarantee the bonds of the Nashville and Chattanooga Railroad Company to the amount of ninety-five thousand dollars, numbers one to ninety-five, both inclusive, for the sum of one thousand dollars each, in place of the original bonds of the same numbers, and dated 1st day of January, 1854, and running twenty-five years to maturity, which were endorsed and guaranteed by the Governor, and which have been lost and destroyed by fire: And the sixth section of the Act of February 8, 1854, ch. 131, giving a lien upon the road of said Company with all its equipments, fixtures, &c., shall apply to said duplicate bonds, when issued, in the same manner and to the same extent as it applied to the original bonds that were endorsed and guaranteed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 22, 1855.

## CHAPTER 36.

**AN ACT** to amend the laws now in force regulating the Bean's Station Turnpike Road.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the law as regulates the citizens of Grainger and Claiborne Counties passing on the said Bean's Station Turnpike Road free of charge, be and the same is hereby, repealed.

**SEC. 2.** *Be it further enacted,* That all persons passing through the gates of the said Bean's Station Turnpike Road from one county to the other, shall be liable to toll as all other citizens; all laws to the contrary notwithstanding.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 29, 1855.

## CHAPTER 37.

**AN ACT** to change the time of holding the Circuit Courts for the Counties of Hancock and Hawkins, in the First Judicial Circuit.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Courts for the County of Hancock shall be hereafter held on the fourth Mondays in January, May, and September, in each and every year.

**SEC. 2.** *Be it further enacted,* That the Circuit Courts for the County of Hawkins shall be hereafter held on the first Monday after the fourth Mondays in January, May, and September, in each and every year.

**SEC. 3.** *Be it further enacted,* That this act shall take effect from and after the first day of March, 1856.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed November 14, 1855.

## CHAPTER 38.

AN ACT to amend an act entitled "An act to incorporate the Mississippi Central and Tennessee Railroad Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act, passed November 30, 1853, entitled "An act to incorporate the Mississippi Central and Tennessee Railroad Company, be so amended that the Stockholders of said Company shall meet in the town of Bolivar, Tennessee, on the first Monday in July, 1856, and elect twelve Directors for said Company, who shall serve in that capacity for a period not exceeding twelve months; and on this day the Stockholders shall also determine on what day and at what place subsequent elections for Directors of said Company shall be held, and the election for Directors of the Company shall thenceforth be held annually. But if the annual day of election should pass without any election of Directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold such election, in such manner as may be prescribed by a by-law of the corporation.

SEC. 2. *Be it further enacted*, That from and after the time when said first mentioned election shall be made, in accordance with the provisions of the first section of this act, all the duties, powers, and rights of the present Board of Directors shall cease, and be vested in their successors.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 14, 1855.

## CHAPTER 39.

AN ACT to repeal all laws incorporating the Town of Columbus in Polk County Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws heretofore passed by the Legislature of the State of Tennessee, establishing the town of Columbus in the State of Tennessee, be, and the same are hereby, repealed, and said town divested of all elements of corporate existence.

**SEC. 2.** *Be it further enacted,* That the owner or owners of any or all of said lands or town lots, included in said town of Columbus, shall not be bound or held liable for taxes of the same, further than the value of the same, valued and assessed by the Revenue Commissioner of the district in which the same lie, as that much land, leaving out of view all divisions and sub-divisions of the same into lots, but the same shall be assessed as though the same had never been laid off into town lots. Tax—how assessed.

**SEC. 3.** *And be it further enacted,* That the owner or owners of such lands as said town of Columbus was laid out upon, shall have full right, power, and authority to fence and enclose, at their will and pleasure, any part or all of said town lots, and to run a cross fence up and enclose, in such manner as they may see proper, any and all roads, by-ways, and paths, in, across, or through said town of Columbus, except the old Federal Road, or any other county road which runs through said town of Columbus, and on to the town of Benton; any law, usage, or custom to the contrary notwithstanding: *Provided*, nothing contained in this act shall be so construed as to deprive the County Court of the power they now have by law of laying out roads through the property mentioned in this act.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 14, 1855.

## CHAPTER 40.

AN ACT giving Presley Carden further time to finish his Turnpike Road.

*Be it enacted by the General Assembly of the State of Tennessee,* That Presley Carden have the further time of five years to finish his Turnpike Road in Carter County.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 14, 1855.



## CHAPTER 41.

AN ACT to incorporate the Washington Fire Company, No. 6, in the City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Washington Fire Company, No. 6, in the City of Memphis, is hereby incorporated by the name aforesaid; with power to continue its organization, to establish and own a library, to own a house and lot for its engine and books, and the general transaction of business, and with the power to sell and convey said property and re-invest the proceeds for the benefit of said Company; also with the further power to pass rules and by-laws for the government of the members, and to enforce the same for the purpose of effecting the objects of its organization; and with the power to use a common seal.

SEC. 2. *Be it enacted*, That said Company shall consist of not more than two hundred members, who shall be exempt from serving on juries, from military duty, and from corporation poll-tax.

SEC. 3. *Be it enacted*, That this act take effect from and after its passage.

SEC. 4. *Be it further enacted*, That the Independent Eagle Fire Company, No. 2, in Clarksville, is hereby incorporated in said name, with the same powers, privileges, exemptions, and rights as those granted by the act incorporating the Deltige Fire Company, No. 1, at Clarksville, passed the 13th day of December, 1853: *Provided, however*, the property of said Company shall not be exempt from the State tax.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 20, 1855.

## CHAPTER 42.

AN ACT to incorporate the Nashville Publishing and Printing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a company to be entitled "The Nashville Publishing and Printing Company," shall be, and is hereby, established, with a capital of ten

thousand dollars, which may be increased to fifty thousand dollars. That the stock of said Company shall be divided into shares of twenty-five dollars each, to be subscribed with the Commissioner hereinafter named, and paid in as the Directors to be elected may demand.

SEC. 2. *Be it enacted*, That the subscribers for said stock, their successors and assignees, are hereby created a body politic and corporate by the name and style of "The Nashville Publishing and Printing Company;" and in and by said name, they shall have the power to contract and be contracted with; to sue and be sued; have and use a common seal; to borrow money upon their bonds, for such amounts, conditions, time and rates of interest as may be agreed upon between the parties; shall have authority to elect all necessary officers, and to pass and establish all by-laws, rules and regulations for the successful management of the affairs of said Company.

SEC. 3. *Be it enacted*, That the object and business of said Company shall be, to carry on and conduct in the city of Nashville a general publishing and printing establishment, for the advantage of practical printers and operatives; and said Company are authorized to purchase and hold by their corporate name, a suitable lot in the city of Nashville, and such buildings as may be needed by said Company in the prosecution of their business.

SEC. 4. *Be it enacted*, That Rolfe S. Saunders is hereby appointed a Commissioner to open books for the subscription of said Company, and he may keep the same open until a sufficient sum be taken; when he shall call a meeting of the Stockholders for the purpose of electing a Board of three Directors, to whom shall be entrusted the management of the affairs of said Company. They shall elect a President of the Board of their members, and fill the vacancies in the same; the election of said Board to be holden annually as the Stockholders may direct; and the old Board may hold over until a new one is elected.

SEC. 5. *Be it enacted*, That each and every Stockholder shall be liable for the full amount subscribed by him, and the payment in full of such subscription to the authorized agent of said Company, shall be a discharge from further liability.

SEC. 6. *Be it enacted*, That the stock may be transferred by assignment, and the original subscriber and assignee shall be bound till the subscription be paid in full; and each Stockholder shall be entitled to one vote

for each share of stock owned, which may be given at elections in person or by proxy.

Sec. 7. *Be it enacted*, That the Nashville Publishing and Printing Company, hereby chartered, shall exist and have succession for the period of fifty years.

Tenn. Printing  
Association.

Sec. 8. *Be it further enacted*, That an association which shall be a mutual benefit and stock company, for the purpose of carrying on the business of printing and publishing in all its branches, is hereby authorized to be formed in the city of Nashville; and that for that purpose, H. K. Walker, W. H. Smith, and such other persons as may be associated with them, by becoming Stockholders of the capital stock of the Company hereby incorporated, and their successors, be, and they are hereby, constituted a body politic and corporate by the name of the Tennessee Printing and Publishing Association, and may, by their corporate name, sue and be sued, plead and be impleaded; may make and use a common seal and alter the same at pleasure; and may use, exercise, and enjoy all the rights, privileges, and immunities which are by this act granted to the Nashville Publishing and Printing Company: *Provided* that the individual property of the Stockholders be held liable for the debts of the incorporation to the amount of stock subscribed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. OHEATHAM,

*Speaker of the Senate.*

## CHAPTER 43.

AN ACT to amend an act entitled "An act to authorize the Jews of Davidson County to purchase a Burial Ground, build a Synagogue, and for other purposes," passed 4th of March, 1854.

WHEREAS, By the Constitution of this State all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience, and whereas, the Jews of Nashville, in Davidson County, desire to purchase a Burial Ground for their dead, and erect a Synagogue, in order that they may the more quietly, securely and fully enjoy the inestimable blessings of such right. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Israelites who shall apply to, become members, and be accepted in the manner

hereinafter stated, and their successors shall, and they are hereby, declared to be for the term of fifty years a body corporate and politic under the name of Kahl Kodesh Mogen David, (a Holy Congregation, the Shield of David,) and under this name shall have the power and right in law, of holding and owning both real estate and personal property of any nature whatever, whether the same is acquired by purchase, by gift, or otherwise, to the amount in value at any one time, not exceeding one hundred thousand dollars, and also the power and right in law, to sell, exchange, and mortgage any property so acquired, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all suits and actions, whether in law or equity, to make all by-laws, rules and regulations for the government of the congregation, and enforce the same, *provided*, that the by-laws, rules, and regulations so made are contrary to neither the Constitution or laws of this State; and may have a common seal, and the same break, alter or renew at pleasure.

SEC. 2. *Be it further enacted*, That the funds and property of the Congregation shall not be employed in banking, but shall be appropriated in the purchase of a Burial Ground; in the purchase of grounds for erection of Temples and Synagogues, and in beautifying the same erection and construction of such Temples and Synagogues, and in the purchase of furniture, utensils, books, and other things necessary and appropriate for the same; in the purchase of grounds and the erection thereon of school-houses for the instruction of Israelites, and the purchase of books, furniture, etc., for the same, in relieving the unfortunate, in salaries to the Pastor, Reader or Readers, Teacher or Teachers, and all other persons who may be employed by the Congregation for congregational services; and in the purchase of all other things and property, of every nature whatever, necessary and proper to carry out fully and fairly the provisions of this act.

SEC. 3. *Be it enacted*, That an act entitled "An act to authorize the Jews of Davidson county to purchase a Burial Ground and build a Synagogue, and for other purposes," passed the 4th day of March, 1854, so far as the same is in conflict with this act, be, and the same is hereby, repealed: *Provided*, that this act is to take effect only upon the acceptance thereof, by the Congregation

of the Jews, for whose benefit the same is passed, in lieu of the act before referred to.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 31, 1855.

## CHAPTER 44.

**AN ACT to incorporate the Holston Baptist Institute, at Jonesborough, East Tennessee.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all the power herein granted for the government of this Institute, shall be, and is, vested in William Cate, W. C. Newell, M. V. Kitzmiller, J. A. Davis, E. Martin, Mathew Hillman, C. C. Tipton, Joseph Manning, W. R. Hunter, J. H. Crouch, W. H. Humphreys, J. West, W. C. Hunter, R. P. Murray, C. Hoss, J. Spurgin, A. M. Brown, T. E. R. Hunter, J. Beard, Wilton Atkinson, Dr. James Perry, T. C. Johnson, W. T. Erwin, D. W. F. Peoples, W. B. King, who shall constitute this Board of Trustees, and by the name and style of the "Board of Trustees of the Holston Baptist Female Institute," shall have perpetual succession; and for the purpose of the permanent establishment of said Institute, shall be the proprietors of all personal and real estate and property belonging to, or that may belong to, said Institute, and together with their successors, are hereby declared to be a body politic and corporate by the name and style aforesaid, and shall be liable to sue and be sued, to plead and be impleaded, in all courts of law, or elsewhere, and to purchase, hold, or sell estate, both personal and real, and to receive and hold the same, by gift or devise, in trust, for the purpose of female education, and to have a common seal, and also to ordain and establish, and put in execution, such laws and regulations for the purpose of transacting the business of, and for the governing and conducting of, said Female Institute, as shall appear to them proper and necessary: *Provided*, the same shall not be

inconsistent with the Constitution and laws of this State.

**Sec. 2.** *Be it enacted*, That, in order to aid in the endowment of this Institute, it may be lawful for the Trustees of said Institute, to issue and grant certificates of scholarship to individuals, companies, or associations, setting forth the amount of such scholarship, which may be either perpetual or limited, and for such amounts, and upon such conditions, as the Trustees may determine, entitling the holders of such scholarships to such rights as to placing pupils in the Institute, and upon such terms as may be set forth therein on their face; which said certificates of scholarship may be, by their holders, transferred, bequeathed, or otherwise disposed of, as other property.

**Sec. 3.** *Be it enacted furthermore*, That all scholarships, notes, bonds, and pledges, now held by said Trustees against companies, individuals, or associations, shall be binding, and that said Trustees shall be bound for all *bona fide* scholarships, notes, bonds, and pledges now held by individuals, companies, or associations against them now.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 20, 1855.

## CHAPTER 45.

AN ACT for the Relief of W. J. Farris.

WHEREAS, Amos Ladd, who was, at the July term, 1852, of the Circuit Court of Franklin County, convicted of malicious shooting, was confined in the jail of said County, from the 7th day of April, 1852, until the conviction, and, having appealed to the Supreme Court at Nashville, was again confined in said jail, until the 5th day of December, 1852; that the said W. J. Farris, Jailor of Franklin County, was entitled to be paid for board, turnkeys, &c., the sum of ninety-seven dollars and twelve cents, which was neglected to be taxed in the bill of costs by the Clerk of the Supreme Court. Therefore,

*Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of said State be, and is

hereby, directed to pay to said Farris, or his agent, the sum of ninety-seven dollars and twelve cents, and that the Comptroller issue his warrant for said money.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 20, 1855.

## CHAPTER 46.

AN ACT to incorporate the Nashville Academy of Music and Fine Arts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Neill S. Brown, John Trimble, James P. Clark, John D. Winston, John S. Young, Wm. O. Harris, James B. Craighead, G. M. Fogg, James Walker, R. C. McNairy, Alexander McKenzie, Henry Webber, and Charles Hess, and their associates and successors, be, and the same are hereby, constituted a body politic and corporate, by the name and style of the Board of Trustees of the Nashville Academy of Music and Fine Arts, for the purpose of promoting and propagating the same.

SEC. 2. *Be it enacted*, That the said Board of Trustees shall have the right, and be capable in law, to sue and be sued; plead and be impleaded; defend and be defended, in all courts of law and equity; have a common seal, and may change and alter the same at pleasure; and the said Board of Trustees shall be able and capable, in law, to take personal property by purchase, gift, grant, or devise, or in any other manner, and to hold real estate to the extent that may be required for the use of the same.

SEC. 3. *Be it enacted*, That the said Board of Trustees shall have power to adopt such constitution and by-laws as they may think proper and necessary for the government thereof, and in order to effect the purposes and objects for which it is formed; *provided*, that the same be not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 29, 1855.



## CHAPTER 47.

**AN ACT** to authorize the Broyles and Henshaw Bridge Company to build a Toll-Bridge across Nolachucky River, in Greene County.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That James F. Broyles, John Leming, Levi Henshaw, Anthony Moore, and W. M. Wilhoit, their associates and successors, are hereby made a body politic and corporate, (which may sue or be sued,) by the name and style of the Broyles and Henshaw Bridge Company; and such company are hereby empowered and authorized to complete, and keep in repair, a Toll-bridge across Chuckey River, in the County of Greene, between Levi Henshaw and J. F. Broyles, for the term of ninety-nine years.

**SEC. 2.** *Be it enacted,* That the capital stock of said Company shall consist of three hundred shares, of ten dollars each, which may be increased to any necessary amount, for the purpose herein specified; and said Company shall have power, when regularly convened, to establish by-laws for the government and direction of the affairs of the Company, not inconsistent with the laws of this State.

**SEC. 3.** *Be it enacted,* That said Company shall have power, and are hereby authorized, to open, and keep in repair, good, substantial wagon-roads, from the ends of the bridge to the tops of the hills on each side of the river.

**SEC. 4.** *Be it enacted,* That said Company, from and after the passage of this act, be entitled to receive the following tolls, to wit: For man and horse, ten cents; for any additional horse, five cents; for each head of cattle, in a drove, two and one-half cents; for each head of sheep and hogs, one cent; for wagon, with one horse, mule, or ox, twenty cents; for wagon, with two horses, mules, or oxen, twenty-five cents; for wagon, with three horses, mules, or oxen, thirty cents; for wagon, with four horses, mules, or oxen, fifty cents; for wagon, with five or six horses, mules, or oxen, seventy-five cents; for any two or four wheeled one horse pleasure carriage, twenty-five cents; for any two or four wheeled two horse pleasure carriage, fifty cents; for any four wheeled three or four horse pleasure carriage, seventy-five cents.

**SEC. 5.** *Be it enacted,* That any person passing said bridge without paying the toll provided in this act, when demanded, shall forfeit the sum of five dollars, for the use of said Company—to be recovered before any Justice of the Peace.

**SEC. 6.** *Be it enacted,* That, in the election of Direc-

tors, every Stockholder shall be allowed one vote for each share which he may own, *provided* he does not own more than ten, and one vote for every three shares he may own over ten : *Provided*, that nothing contained in this act shall be so construed as to obstruct the public highway, nor to obstruct the navigation of said river. That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 27, 1855

## CHAPTER 48.

**AN ACT to incorporate the Methodist Church, at Carter's Station Camp Ground, in Greene County, Tennessee.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elliott Jones, Jeremiah McMillian, Abraham Price, C. B. Walker, John McLone, Harmon Kenney, John G. Weemes, Abraham Carter, and Thomas Morelock, and their successors in office, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Trustees of the Methodist Church at Carter's Station Camp Ground, in Greene County, Tennessee; with power to sue and be sued; plead and be impleaded; answer and be answered, in all kind of suits and actions; and to do and perform all other acts and things which bodies corporate may, by law, fully do.

SEC. 2. *Be it further enacted*, That the corporation shall have power to receive by gift, donation, or purchase, and to hold personal, real and mixed property, to sell, exchange, mortgage, or otherwise dispose of the same, which is not to exceed the amount of six thousand dollars, as in their judgment may best subserve the interest of the said Church.

SEC. 3. *Be it further enacted*, That said Board shall have power to make all by-laws, rules and regulations necessary for their own government; to choose their own officers, in such manner as the Board shall prescribe; to prescribe the mode in which their successors shall be chosen; to fill vacancies; and to do such other acts and things as may be necessary and proper to the carrying

out the object of this corporation: *Provided*, none of their by-laws, rules and regulations be inconsistent with the Constitution of this State.

**Sec. 4.** *Be it further enacted*, That five of said Board of Trustees shall constitute a quorum to transact business.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 31, 1855.

## CHAPTER 49.

**AN ACT** to amend an act entitled "An act to charter the Cincinnati, Cumberland Gap and Charleston Railroad Company."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That an act to charter the Cincinnati, Cumberland Gap, and Charleston Railroad Company, passed Nov. 18, 1853, shall be so amended, that whenever said Railroad Company shall have subscribed in *bona fide* stock, an amount sufficient to grade said railroad from or near Paint Rock, the southern boundary line of the State to its intersection with the East Tennessee and Virginia Railroad at Morristown, or from Cumberland Gap, the northern boundary line of the State, to the East Tennessee and Virginia Railroad, they shall have all the rights, powers, and privileges conferred by this charter for the period of ninety and nine years, and shall be entitled to all the benefits of State aid granted to said road by existing laws.

**SEC. 2.** *Be it enacted*, That the President and Directors of said Company may draw and expend any surplus amount of the Bridge appropriation over the Clinch and Holston Rivers mentioned in said laws, to be expended in constructing bridges over the French Broad and Pigeon Rivers, or any other bridges along the line of said road, upon the same terms and conditions now imposed by the Internal Improvement laws of this State: *Provided*, that this act shall not be construed to grant any additional bridge money to said road, beyond the amount now appropriated to said road.

**Sec. 3.** *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 17, 1855.

## CHAPTER 50.

AN ACT to amend the Attachment Laws of this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this act, the justices of the peace, clerks, and courts, of this State, shall have the same power to issue attachments upon debts, or demands not due, as they now have, by law, upon those that are due: *Provided*, that no final judgment or decree shall be rendered upon any attachment, until the debt or demand upon which it is based shall become due; nor shall any property so levied upon, by attachment, be sold until final judgment or decree—unless the property be of a perishable nature; in which case, it shall be subject to the attachment laws now in force, in relation to the sale of perishable property.

**Sec. 2.** *Be it enacted*, That the debtor, or debtors, shall have the right to replevy all property levied upon, by such attachment, in the same manner, and under the same rules and regulations, as are now specified in the attachment laws of this State.

**Sec. 3.** *Provided*, that this act shall not apply to non-resident debtors, unless such non-resident, shall be removing, or about to remove, his property beyond the limits of this State.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 23, 1855.

## CHAPTER 51.

**AN ACT to extend the time for receiving State aid by the Louisville and Nashville Railroad Company.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the additional time of eighteen months, from the passage of this act, be, and the same is hereby, granted to the Louisville and Nashville Railroad Company, to comply with the provisions of an act entitled "An act to establish a system of Internal Improvements in this State," passed February 11, 1852, and the amendments thereto, under the conditions and restrictions in said act specified: *Provided,* that the entire line of road, from Nashville to Bowling Green, in Kentucky, shall, in like manner, be completed and put in operation in three years from the passage hereof. Time extended.

**SEC. 2.** *Be it further enacted,* That said Company is, hereby; required to extend said road to some point in the city of Nashville; and that, for this purpose, said Company shall, within two years, build and prepare for use, a good and substantial bridge across the Cumberland River: *Provided,* the subscriptions, State aid, or other means in the State of Tennessee, shall be sufficient for that purpose. That said Company will, within three months after an estimate shall have been made of cost of said bridge, cause the same to be let to contract, and proceed, if means appropriated or created by amalgamation of the means of companies, or by subscriptions of stock by individuals or corporations, be sufficient to the erection and construction of said bridge. Two years to build bridge.

When the contract of construction has been made, a copy shall be filed in the office of the Secretary of State, and it shall then be the duty of the Governor, to execute to said Company, the bonds of the State of Tennessee, under the provisions of the act or acts authorizing the same, to an amount, from time to time, not exceeding one hundred thousand dollars, which may be necessary to meet the estimates of work done on said bridge, when the same shall amount to a sum not less than twenty thousand dollars: *Provided,* that the contract for construction, shall not extend the time for completion of the said bridge beyond two years. Conditions upon which bonds shall issue.

Two Directors, on the part of the State of Tennessee, on said Company's accepting the provisions of this act, shall forthwith be appointed, who shall be from the time of their appointment in office, and at all meetings of the Board, represent stock to the amount of five hundred thousand dollars, and represent the interest of the State State to appoint two Dir. etc.

Company to accept provisions of this act in sixty days.

at meetings of the Stockholders ; and either may cast the vote of both, or, in writing, create a proxy to vote for the State. To entitle, said Company to the provisions of this act, said Company shall, within sixty days after its approval, consent, by a resolution of the Board to accept the same, and forward a copy of such acceptance to the Secretary of State, signed by the President and Directors composing the Board, and countersigned by the Secretary, with the seal of the corporation affixed.

SEC. 3. *Be it enacted*, That this act shall take effect and be in force from and after its passage : *Provided*, that the lien of the State of Tennessee, shall not extend beyond the State line.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed November 27, 1855. •

## CHAPTER 52.

AN ACT for the Benefit of G. W. Turk, and others.

*Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to Geo. W. Turk and William H. Fewell, each, for the sum of twenty-four dollars, for six days' services by them rendered, as Doorkeepers ; and to William A. Scott, for the sum of thirty-six dollars, for six days' services by him rendered, as Clerk ; and to Thomas Mosby, for twenty-four dollars, for four days' services by him rendered, as Clerk ; in the organization of the House of Representatives. And to E. G. Eastman and J. M. Parker, six dollars, each, for their services as Clerks, and four dollars to Anderson Hill, for his services as Doorkeeper, in the organization of the Senate.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed October 13, 1855.

## CHAPTER 53.

## AN ACT to Charter the Lagrange Female College.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall hereafter be established, in the town of Lagrange, Tennessee, an institution of learning, for young ladies, and the same to be known and designated by the style of the "Lagrange Female College."

**SEC. 2.** *Be it enacted,* That said institution shall be a joint stock company, the stock therein to be divided into shares of fifty dollars, each; and the same shall be governed by nine Trustees, who shall be elected by the Stockholders, of their number, during the week of the annual examination, for one year only, and in the following manner, that is to say:—Not more than two members of any Board of Trustees, shall belong to any one denomination of Christians, and Stockholders balloting or voting for Trustees, are not compelled to vote for a member of any church, unless it be through and by their own choice; said election of Trustees to be called by the Secretary of the Board of Trustees, annually, as above specified—an election of Trustees holden allowing votes, either in person, or by proxy in writing—a majority of Stockholders being represented; and in case of failure to assemble as called, as above specified, then, and in that case, said former Board of Trustees still to remain in office, vested with all and every privilege and power, hereafter to be specified, and so on, *ad infinitum*, if no election can be had.

Election of  
Trustees.

**SEC. 3.** *Be it further enacted,* That each Stockholder have one vote for every share above named; he or they may have or hold, and in all elections be allowed the same, in person or by proxy; and, further, that all vacancies of any Board hereafter elected, in manner here set forth, occasioned from death, resignation, or otherwise, be filled by vote of the majority of the Board for the unexpired term, and until the next following election of Trustees be had, in accordance with this charter.

**SEC. 4.** *Be it further enacted,* That the following named persons, to wit., Maj. Edmund Winston, Chas. W. Hunt, Hugh Davis, Willie B. Jones, F. W. Cossitt, Richard J. Bass, George Paulson, Whitson A. Harris, and William A. Turner, Trustees elect, as above specified and required, for the present year, be, and they are hereby, vested with full power to do all things necessary for the good and prosperity of said Female College, under the restrictions hereafter mentioned, until their

Trustees.



successors in office are duly elected, as hereinabove specified, in articles second and third.

SEC. 5. *Be it further enacted*, That the said College buildings, premises, fixtures, and appurtenances, all and every, be under the control and government of the Board of Trustees, and their successors in office; and any five members of the Board constitute a quorum for transaction of all and every, the business unto said College belonging; and, further, said Board of Trustees have full power to employ professors and teachers, for such time, and upon such terms, as they, in their judgment and wisdom, may deem proper and expedient, for the progress and prosperity of said College; and, also, full power to elect, from their own body, their officers, to wit., President, Secretary and Treasurer, whose duty it shall be, to keep, and preserve, and transmit to their successors in office, a written record of their acts and proceedings, touching the premises; and, further, the said Board shall have full power to make, enact, and amend, such laws, ordinances, and by-laws, as they may deem proper for the efficient regulation and government of said College, and do whatever else they may think and deem promotive of the prosperity and usefulness of said Female College, not incompatible with the laws of these United States, or State of Tennessee.

Power to make  
by-laws.

SEC. 6. *Be it further enacted*, That this record may be used as evidence, in each and every suit, or suits, in law or equity, that may arise, touching the premises, or in whatsoever the body corporate may be interested.

SEC. 7. *Be it further enacted*, That said Board of Trustees above mentioned, and their successors in office, as above specified and required, shall be, and they are hereby, declared and established one body politic and corporate, with perpetual succession, by the name and style of the "Lagrange Female College." By that name and style, they, the said Trustees, and their successors in office, shall be capable, in law and equity, to take to themselves and their successors, for the use and benefit of said College, any estate, in lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, will, devise, or bequest, of any person, or persons, or bodies politic and corporate, and the same lands, tenements, hereditaments, goods, chattels, moneys, or other effects, to grant, bargain, sell, convey, devise, or place out at interest, or otherwise dispose of, for the use of said College, in such manner as may deem most beneficial; and by the same name, to sue or to be sued, plead or be impleaded, in any court of law or equity, in all manner of suits or

actions whatever, and generally, by and in the same manner, to do and transact all and every, the business touching and concerning the premises, as fully and effectually, as any natural person or body corporate, in this State, have power to manage their own concerns or business.

SEC. 8. *Be it further enacted*, That no misnomer of said corporation, shall defeat any gift, grant, or bequest, to or from said corporation; nor shall any misuser or nonuser of the rights, liberties, or privileges, hereby granted to said corporation, create or cause a forfeiture of the same; and, also, the lands, lots and grounds belonging to said College buildings, together with the buildings, school fixtures, and apparatus, of said corporation, shall be exempt from taxation, for State or county purposes, and all and every taxation whatever; and, further, that Stockholders of said institution may trade, sell, or convey, by written assignment, their stock, provided they have paid it all over to said institution, or stock company. Exempt from taxation.

SEC. 9. *Be it further enacted*, That said Board of Trustees, by the recommendation of the professors and teachers of said Institution or College, shall grant to such students as they may deem worthy of the same, all and every, the mark of distinction usual in other colleges, and all and every literary degree or degrees, used in any college or institution in this State, that of graduate or other degrees; and full power is here given and granted to said Board of Trustees, to make such needful rules and regulations in the conferring such honorary degrees and honors, as they may think most advisable, and most to the interest of said Female College: *Provided, nevertheless*, that in no case, said Board have power, in the exercise of such discretion, to confer degrees upon any person or persons whatever. Degrees to be given.

SEC. 10. *Be it further enacted*, That the certificates, honorary cards, and diplomas, granted by said Board of Trustees, shall be signed by the President, the Professor or Professors, and by the Secretary of the Board of Trustees; and when so signed and sealed, as hereinafter specified and provided, shall have all the authority and rights, influence, and respectability, which is secured by law, to the certificate, diploma, &c., of any other institution in this State. Diplomas.

SEC. 11. *Be it further enacted*, That said Board of Trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions as they may think proper to engrave thereon, under, and by which all deeds, diplomas, certificates, honorary cards,

and acts of said corporation, shall pass and be authenticated; and, further, the same seal, at pleasure, to break, destroy, and devise a new one in its room and place.

SEC. 12. *Be it further enacted*, That subscriptions and donations, of all and every character, be received and appropriated, by said Board of Trustees and their successors in office, for the use and benefit of said Female Institution, from and after the passage of this charter: *Provided*, it be not incompatible with the laws of these United States, and State of Tennessee; and that a copy of this charter passed by the Legislature of Tennessee, be copied on parchment, and filed in the archives of said institution, with the signatures of the Board of Trustees thereon; and that this shall be in force and effect immediately after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 29, 1855.

## CHAPTER 54.

AN ACT to amend an act entitled "An act to amend an act passed February 11, 1852, entitled 'An act to establish a System of Internal Improvements in this State, passed February 8, 1854.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act entitled "An act to amend an act passed February 11, 1852, entitled 'An act to establish a System of Internal Improvements in this State, passed February 8, 1854,'" limiting the time for the performance of the conditions necessary to obtain the State aid granted, by said acts, to the several railroad companies mentioned in said act, be, and the same is, hereby, amended, so that the Mobile and Ohio Railroad Company, to which said aid has been granted, shall have the additional time of one year, to complete the first thirty miles of said road, and enable said Company to perform said conditions necessary, to obtain said State aid.

Central South-  
ern R.R.

SEC. 2. *Be it enacted*, That the further time of four years be granted to the Central Southern Railroad, to bring themselves within the provisions of the act of the General Assembly, passed February 8, 1854, entitled

"An act to amend an act to establish a System of Internal Improvements in this State," and to entitle them to secure the aid granted by said act.

SEC. 3. *Be it further enacted*, That the Winchester and Alabama Railroad be allowed the further time of two years, to bring itself within the provisions of said act of 1854, and that the same be entitled to all the rights and privileges granted by the foregoing sections of this act. Winchester and  
Ala. R. R.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed November 16, 1855.

## CHAPTER 55.

**AN ACT** to change the County line between the Counties of Hickman and Lewis.

*Be it enacted by the General Assembly of the State of Tennessee*, That the County line between the Counties of Hickman and Lewis, be changed so as to include the dwelling and lands of Jesse G. Thompson in the County of Lewis; this act to go into effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed November 1, 1855.

## CHAPTER 56.

**AN ACT** to amend an act more effectually to secure the Common School Fund—  
chapter 54, act of 1843.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of the County Trustee of the County of Davidson, to pay over any Common School funds in his hands, belonging

to the district included in the town of Nashville, according to its present or any future boundaries, to the written order of the Treasurer of the city of Nashville, to be, by him, credited to the schools of said city; to be paid out by said Treasurer, to an order drawn by the Board of Education of said corporation of Nashville in favor of a teacher, or some other person, or persons, for services actually rendered, in establishing or carrying on the system of education, established by law in this State, or the laws of said corporation of Nashville.

Sec. 2. *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 12,,1855.

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## CHAPTER 57.

AN ACT to secure the Widow her Dower in certain cases.

*Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, when the husband shall mortgage his lands, or convey the same to a trustee, to pay debts or liabilities by a deed of trust, and shall die before the mortgage is foreclosed, or sale under the deed of trust is made, in such case, his widow shall be entitled to dower in such lands, as in other cases of dower in his land.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 11, 1856.

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## CHAPTER 58.

AN ACT to regulate and define the Duties of the Road Commissioner of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, in addition to the reports now required by law to be made to the Governor of this State, by Railroad Companies entitled to State aid, under the General Internal Improvement Law, passed February 11, 1852, and the amendments thereto, that said Railroad Companies shall, at least once in two years, sixty days before the meeting of each General Assembly, make to the Railroad Commissioner of this State, a full and condensed report (under oath) of the condition of said Company; which report shall embrace the following points: 1. Length of whole road. 2. Length in Tennessee. 3. Cost of whole road. 4. Cost of road in Tennessee. 5. Equipment of whole road. 6. Equipment in Tennessee. 7. Finished road on whole line, also, in Tennessee. 8. Capital stock subscribed, and amount paid in. The funded or bonded debt, as well as floating debt. Amount of road graded, but not finished. The gross earnings of road in operation; the expenses of running, and keeping the same in order—showing the nett earnings. The cost of road—shall specify such cost under the following heads, giving the cost of each: Grading and masonry, grubbing and clearing, bridges and trussle-work, iron and iron materials for construction, track-laying, cross-ties, real estate, right of way, engineering, and general expenses incident to construction, equipment, estimates, depots, water stations, machine shops, locomotives, cars, &c., with a detailed statement of the amount of each, and their cost. Said reports to be made by the President, Chief Engineer, and Treasurer, of the Company, under oath. The Chief Engineer's report and oath, embracing the condition and equipment of the road; the Treasurer, the financial; and the President, the general condition of the whole.

President, Chief Engineer, and Treasurer to report.

SEC. 2. *Be it enacted*, That it shall be the duty of the Commissioner of Railroads, on or before the fifteenth day after the commencement of each regular session of the Legislature, to make a general report, showing the manner in which he has discharged his duties—the condition of the various railroads in the State—and all other matters connected with the office, with which the State is interested. And it shall be, moreover, his duty to have each of the reports provided to be made to him, in the first section of this act, considered and the whole

To report to the legislature.

embodied in his report, and lay the same before the General Assembly, within the time specified in this section of this act.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 59.

AN ACT to legalize the official acts of certain Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the official acts of all Justices of the Peace, who may have been heretofore elected to succeed Justices of the Peace, elected in pursuance of the provisions of the fifteenth section of the act of 1835, chapter 1, be; and the same are hereby, declared valid: *Provided*, such official acts would have been valid, if said Justices had been legally and constitutionally elected.

SEC. 2. *Be it further enacted*, That when any additional civil district shall, hereafter, be established in any county in this State, if it shall so happen that the residence of any Justice of the Peace shall be included within the boundary of the new district, the Justice so included, shall be a Justice of the Peace for such new district; and an election shall be held in the district from which he was taken, to fill the vacancy thereby created.

SEC. 3. *Be it enacted*, That, in all cases, where any Magistrate may have, heretofore, been included in any additional district, in the manner referred to in the foregoing section, and may have continued to act as a Justice of the Peace for the new district, the official acts of the Justice so included, shall be deemed legal and valid: *Provided*, said acts are, in other respects, regular; and such Justice shall be deemed and held a Justice of the Peace for the new district, for the term of his commission, or six years from the time of his election.

Tippling Law.

SEC. 4. *Be it enacted*, That the act passed at the present session of the General Assembly, repealing the act of 1846, commonly called the Tippling License Law, shall not be so construed as to prevent the prosecution



and conviction of all offences which have been committed under said act prior to its repeal, as aforesaid.

NEILL S. BROWN,

*Speaker of the House of Representatives,*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 60.

AN ACT to amend an act passed February 11, 1852, chapter 151, entitled "An act to establish a System of Internal Improvements in this State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the further time of (2) two years is hereby granted to the Memphis, Clarksville, and Louisville Railroad Company, to bring themselves within the provisions of said act and the act amending the same.

SEC. 2. *Be it enacted,* That said Railroad Company may build its road from the Kentucky State line to the Tennessee River, in the direction of Paris; and whenever they shall obtain stock to grade, and prepare for the iron rails, the road between these points, as provided for by the existing law, said Company shall be entitled to all the benefits and provisions of said act and the acts amending the same, and acts passed for the benefit of said road.

SEC. 3. *Be it enacted,* That said Railroad Company shall have the power and right, to consolidate its stock with the stock of the Memphis and Ohio Railroad Company, whenever said two Companies shall have obtained stock sufficient to grade their roads to a point of intersection, and said Companies shall have one road, one company, and may adopt such name as they may think proper: *Provided,* that a majority of the Directors of each Company shall agree to such consolidation.

Right to consolidate.

SEC. 4. *Be it enacted,* That said Companies, when consolidated, shall be entitled to all the rights, powers, privileges, and benefits, conferred, by existing laws, on either of them; and when their power or rights are in conflict, the consolidated Company may select from which charter they shall derive their powers: *Provided,* that no more State aid shall be given to the consolidated Company than ten thousand dollars per mile, so as not

State aid.

**Lien.** to give double State aid ; and that this amendment shall not work any forfeiture of the lien retained by the State on said Railroad, but the State shall retain the lien given by the acts which this act is intended to amend.

**SEC. 5.** *Be it further enacted,* That the further time of two years be given to the South-Western Railroad, to bring themselves within the provisions of the internal improvement acts, and the acts amendatory thereto.

**SEC. 6.** *Be it further enacted,* That this act does not work any forfeiture of the State aid granted to the Memphis and Ohio Railroad, and the Memphis, Clarksville, and Louisville Railroad Company, under the act of February 11, 1852, chapter 151, entitled "An act to establish a System of Internal Improvement in this State," and the act amendatory thereto.

NEILL S. BROWN;

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 26, 1855.

## CHAPTER 61.

AN ACT to amend the act passed February 11, 1852, entitled "An act to establish a System of Internal Improvements in this State, and for other purposes."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That said act be so amended, that the East Tennessee and Virginia Railroad Company shall have the further time of one year to complete one section of thirty miles of said road, in order to bring themselves within the provisions of the act which this is intended to amend, and the acts amendatory thereof, and to entitle said Company to all the benefits of said acts.

**Sec. 2.** *Be it enacted,* That the Counties of Cocke, Jefferson, Grainger, and Hancock, shall have the same authority, power, and privileges, to take stock in the Cincinnati, Cumberland Gap, and Charleston Railroad, or any other railroad that may pass through or near any of said Counties, and to issue their bonds, and shall be subject to the same restrictions as are granted to, and required of, the Counties of Lawrence, Maury, Williamson, Davidson, and other Counties therein mentioned, by an act passed February 28, 1852, entitled "An act to

incorporate the Nashville, Franklin, and Columbia Railroad Company."

SEC. 3. *Be it enacted*, That, if a majority of the qualified votes of either of the above, named Counties, cast on the day of election, shall be in favor of stock, then, in that case, the County Court, of either of said Counties so voting stock, shall issue the bonds of said County, to said Railroad Company, or Companies, on application of the President thereof: *Provided*, said County Court of either of said Counties, shall not be required to issue bonds for more than one half the amount so voted in any one year.

Election for  
stock.

SEC. 4. *Be it enacted*, That a proposition to take stock in said Railroad, shall not be submitted by the County Court of either of said Counties, in case of a refusal to vote stock the first election under this act, oftener than every six months.

SEC. 5. *Be it enacted*, That the act of Claiborne County, in voting stock in said Railroad, and to issue her bonds for the same, on the first day of November, 1855—there being a large majority of the votes cast in said election, in favor of County Stock—is, hereby, declared to be legal and binding.

Claiborne Coun-  
ty bonds.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 7. *Be it enacted*, That the stock taken and subscribed by Claiborne County, in the Cincinnati, Cumberland Gap, and Charleston Railroad Company, shall be expended upon said road within the limits of the said County of Claiborne: *Provided*, further, that this amendment shall in no way effect the individual subscriptions in said road.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 62.

AN ACT for the sale of the Stock owned by the State in Union and Planters' Banks, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the stock owned by the

State, in the Union and Planters' Banks be, and the same is hereby, transferred to the Bank of Tennessee—reserving to the State, however, the power of appointing Directors in the Union Bank, as now provided for in its charter; and that the said Bank of Tennessee be authorized to exercise and use all the powers and privileges reserved to the State by the charter of said Bank, excepting the power of appointing Directors, as above mentioned; and that it shall be the duty of the Bank of Tennessee, to provide for the payment of the bonds of the State that may fall due in the year 1858, and apply the proceeds arising from the stock of the Union and Planters' Banks, after paying the bonds aforesaid, to increase the capital stock in said Bank.

Bank of Tennessee.  
see.

SEC. 2. *Be it enacted*, That so much of an act entitled "An act directing the mode of stating the accounts of the Bank of Tennessee, and for other purposes," passed March 3, 1854, as directs the officers of said Bank to retain a sufficient amount out of the annual profits of the Bank, to supply the place of such debts as they were authorized to charge off to profits and loss, as hopelessly bad, so that the actual capital of the Bank may not be reduced below its nominal amount, be, and the same is hereby, repealed.

SEC. 3. *Be it enacted*, That the interest accruing upon the six per cent. bonds of the State, in which the balance of dividends and bonus were invested upon the order of the Governor and Comptroller, after paying the interest on the bonds of the State issued for stock in the Union Bank, as directed by section first of an act entitled "An act to authorize the investing of certain moneys in State bonds," passed February 27, 1854, shall be re-invested by the President and Directors of the Bank of Tennessee, in six per cent. bonds of the State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 23, 1856.

## CHAPTER 63.

AN ACT to Suppress Betting on Elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That betting on elections is de-

clared to be, and is, gaming, and shall be punished as other gaming is now punished by law.

SEC. 2. *Be it further enacted*, That all witnesses, summoned before any grand jury in this State, shall receive the same pay as other State witnesses, and shall be taxed to the unsuccessful party, as costs taxed in other cases: *Provided*, that where no indictment or presentment is found on the evidence of such witness, the cost shall be paid by the county where such witness is summoned.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 64.

AN ACT to repeal, in part, the act of 1826, chapter 22.

*Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act of 1826, chapter 22, section 1, as relates to the importation of slaves into this State, for the purpose of selling or disposing of them as articles of merchandise, be, and the same is hereby, repealed.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 19, 1855.

## CHAPTER 65.

AN ACT to empower Constables to swear Jurors of View.

*Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this act, it shall and may be lawful for the different Constables to summons and to administer the necessary oaths to

Jurors of View, to review, and lay off public roads ; and the said jurors so qualified, are, hereby, empowered to act as such, as fully as if the oath of qualification had been administered by any Judge or Justice of the Peace.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed November 14, 1855.

## CHAPTER 66.

AN ACT to Protect Barn Yards, Stock Yards, &c.

*Be it enacted by the General Assembly of the State of Tennessee,* That all persons found firing fire-arms about Stock Yards, Barn Yards, or other places where farmers stack grain, shall be guilty of a misdemeanor, and fined at the discretion of the court: *Provided,* this act shall not apply to any person, who shall use fire-arms on his own premises.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 67.

AN ACT to make Certain Acts a Misdemeanor.

*Be it enacted by the General Assembly of the State of Tennessee,* That, from and after the passage of this act, any person entering the enclosure of another, and taking therefrom, and converting to his, her, or their use, corn, wheat, rye, oats, or potatoes, when the same have not been dug or gathered, amounting in value to one dollar, or over, shall be held guilty of a misdemeanor; and upon conviction, shall be fined not less than five, nor more than fifty dollars, together with costs of

suit, and imprisonment, or not, in the discretion of the court, in the county jail.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 21, 1856.

## CHAPTER 68.

AN ACT supplemental to an act entitled "An act to prescribe the mode of choosing Electors to vote for President and Vice President of the United States," passed February 27, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the qualified voters of the members of the General Assembly of the State, shall meet at their respective court-houses, and other places appointed by law, for voting in each and every county, on the first Tuesday after the first Monday in November, 1856, and vote for twelve Electors of President and Vice President of the United States, as, by the Constitution and laws of this State, they are to vote.

Sec. 2. *Be it enacted,* That said election shall be ordered and held in the same way, and under the same regulations, restrictions, provisions, and penalties, as is contained in the said act to which this is a supplement.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 69.

AN ACT requiring Railroad Companies to drain the cuts on the side of Railroads in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several Railroad Companies in this State be, and they are hereby, required to cause the ponds or cuts on each side of said roads to be opened or ditched, so that the same may be drained.



SEC. 2. *Be it enacted*, That any Company who shall fail to comply with the provisions of said first section, shall be guilty of a misdemeanor, and shall be liable to presentment in the Circuit Courts, if said Companies do not comply with the provisions of the first section of this act, after the President of said Company shall have been notified by any citizen for twenty days.

SEC. 3. *Be it enacted*, This act shall be in force from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 7, 1856.

## CHAPTER 70.

AN ACT to authorize the several Courts of this State to adjudge costs which have been, or may hereafter be, omitted in taxing said costs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several Courts in this State be authorized and empowered to have re-taxed and entered a judgment for any costs which may have been, or may hereafter be, omitted in taxing the bills of costs in any case whatever, whether said cause stand upon the docket or not: *Provided*, that when, in any case, the costs have been paid and the judgment therefor satisfied, the party sought to be charged shall be entitled to five days' notice of said motion, and *provided*, that in all cases, when the State is a party, a notice given to the Attorney General shall be sufficient.

Circuit, Chan-  
cery and Su-  
preme Courts.

SEC. 2. *Be it further enacted*, That the Circuit, Chancery, and Supreme Courts of this State, shall hereafter have power to correct all mistakes apparent upon the face of the record at any term after final judgment; said power to be exercised at the discretion of said Courts.

Ten days' no-  
tice.

SEC. 3. *Be it enacted*, That should the parties to any suit be not before the said courts, from the fact that the cause is finally disposed of, then, and in that case, it shall be the duty of the party seeking the correction to give the adverse party ten days' notice of his intention to move for a correction of the supposed mistake.

SEC. 4. *Be it enacted*, That this act shall apply to all cases which have already occurred, as well as those which may hereafter occur.

Sec. 5. *Be it further enacted*, That it shall not be lawful for the different Attorneys General of the State to enter a motion and take judgment against any of the Circuit Court Clerks of this State, and securities, for a failure of said Clerks to comply with the provisions of the act of 1794, chapter 1, section 26, after the expiration of four years from the time of the failure by said Clerk to comply with the provisions of said act; nor shall it be lawful hereafter, after the expiration of three years from the time the Clerks of the Circuit Court should have complied with the provisions of the act of 1794, chapter 1, section 26, for the different Attorneys General of this State to enter a motion against any of the Circuit Court Clerks under the provisions of an act passed 27th February, 1852, chapter 25, section 12, making it the duty of the Attorneys to enter motions against said Circuit Court Clerks for a failure to comply with the aforesaid act of 1794, chapter 1, section 26.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 71.

AN ACT to prevent Circuity of Action, to enable Courts of Law to do justice, and to save costs to parties litigant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all actions hereafter brought on contracts concerning personal property, or services, the defendant or defendants, or any one or more of them, who, according to law, would be entitled to recover against the plaintiff in a cross action, for any matter or thing arising out of the same contract, may plead, and give in evidence such matter or thing, and the verdict shall be as the right may appear; and such verdict shall state separately any amount allowed to any of the parties; and such and so many judgments, joint, separate, and cross, may be rendered, or one amount allowed to set-off against another, and judgment rendered for a residue as may be necessary to the rights of the parties, or any of them; and the court shall give judgment and award execution in favor of any defendant or de-

defendants found entitled to any amount or balance against plaintiff found liable therefor.

**Notes, bills, &c.** SEC. 2. *Be it enacted*, That where the action of the plaintiff is upon a note, bill, bond, covenant, or other security given by the defendant or defendants, or any one or more of them, to plaintiff, the consideration whereof arises out of a contract concerning personal property or service, such defendant or defendants, or any one or more of them, may plead, give in evidence, and have allowed him or them any matter or thing arising out of such contract, in the same manner; and the form of the **Securities.** verdict and judgment and redress to any and either of the parties shall be the same as if no such security had been given, and the action had been brought on the consideration for which said security was given.

**Assignors.** SEC. 3. *Be it enacted*, That when the plaintiff is the assignee of such note, bill, bond, covenant, or other security which has been assigned, and the same is, according to law, subject to the equities that attached between the original parties, that the matter or thing arising out of such contract which would entitle such defendant or defendants to maintain a cross action against the assignor of such security, may be pleaded and given in evidence, and allowed, or them, in bar or abatement of the plaintiff's recovery; and any excess (in case of an excess) found for such defendant or defendants against such assignor may be made available to such defendant or defendants in a suit between him, or them, and such assignor.

**Magistrate's jurisdiction.** SEC. 4. *Be it enacted*, That this act shall apply to suits before Justices of the Peace, as well as to all other courts; and when the trial is without jury, the judgment shall embrace and set forth the matters of both verdict and judgment; and whenever it may appear to the court on the trial by jury, or otherwise, or in some satisfactory way, before said trial, that the matters in dispute are of a complicated account, the court shall, in its discretion, direct a reference to a commissioner or the Clerk to report upon the same, in the same manner as is practiced in Chancery, allowing to either party to require, or the court to direct, a trial by jury, of any matter of disputed fact, arising upon such report, to the same extent as the same is, by law, allowed in the Chancery Court.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 72.

AN ACT to amend the Criminal Laws of this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first and second sections of the act of 1833, chapter 3, shall hereafter apply to the various railroad companies, their officers, agents, and servants in this State, and that all the pains and penalties imposed by said act shall apply to said railroads.

SEC. 2. *Be it further enacted*, That hereafter no general law, passed at any session of the General Assembly, shall go into operation, or have any binding effect, until after the expiration of forty days after the adjournment, *sine die*, of the General Assembly, and that no law of a private character shall go into effect until after the expiration of twenty days after the adjournment, unless otherwise provided, in either case, in the act declaring such law. When laws go into effect.

SEC. 3. *Be it enacted*, That it shall not be lawful for any free person of color, in this State, to engage in the business of peddling or bartering, by making a business of buying up market stuffs, or other articles, or bartering for them, and again selling the same. Negroes not to peddle.

SEC. 4. *Be it enacted*, That every free person of color who shall violate the third section of this act, shall be guilty of a misdemeanor; and upon conviction of the same, upon indictment or presentment, shall be fined not less than fifty dollars.

SEC. 5. *Be it enacted*, That this act shall not take effect until the first day of April, 1856.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 73.

AN ACT to regulate Weights and Measures in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the standards of Weights and Measures now in charge of the Superintendent of Weights and Measures of this State—(being the same that were furnished to this State by the Government of

the United States, in accordance with a joint resolution of Congress, approved June 24, 1836—the standard of length being a copy of a brass scale in the office of Weights and Measures at Washington, one yard or thirty-six inches in length, at the temperature of sixty-two degrees Fahrenheit—the liquid capacity measures conforming to a gallon, containing two hundred and thirty-one of such cubic inches—the dry capacity measures conforming to a bushel, containing two thousand one hundred and fifty and forty-two hundredths of such cubic inches—the standard of weights, a copy of the troy pound of the United States mint, containing five thousand seven hundred and sixty grains, and the avoirdupois pound containing seven thousand of such grains; the avoirdupois being considered the commercial pound)—be, and are hereby, adopted as the standards of Weight and Measure throughout this State.

SEC. 2. *Be it enacted*, That this act shall take effect from its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed March 1, 1856.

## CHAPTER 74.

AN ACT to amend the Revenue Laws of this State, and to provide for a proper Assessment.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a yearly tax of (10) ten cents on every hundred dollars shall be assessed on:—1. All lands and town lots, to be estimated at its real value in money, and not at a forced sale, according to the best judgment the assessor can form by information, inspection or otherwise, taking into consideration its location, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, quarries, fossils, and improvements, except such as are exempt by law. 2. All saw, grist, and other mills, distilleries, breweries, founderies, forges, establishments for mining, quarrying, working marble, making gins or carriages, and other manufacturing establishments, turnpike or plank road gates, or roads, and bridges, and ferries, and wharves; the value thereof, to be estimated by annual income,

Land and town  
lots—how val-  
ued.

Mills, &c.

location, and other sources of value. 3. All jewelry, gold and silver watches and chains, gold and silver plate and ornaments, except family portraits, over the value of fifty dollars, at the above specified rate, piano fortes, and all household furniture, over the value of (\$500) five hundred dollars.\* 4. All pleasure vehicles. 5. All race horses, used for racing, which, in or during the tax year preceding the assessment, have been entered, trained, or run. All horses and mules, over the value of \$1000 except such as are kept and used for saddle and harness purposes, and stud-horses and jacks. 7. All neat cattle and sheep, over the value of (\$500) five hundred dollars. 8. All capital loaned or deposited at interest, and all stocks. 9. All slaves, to be estimated at their real cash value, at the time of assessment, and not at a forced sale. 10. All investments by inhabitants of this State in stocks out of the State.

Jewelry.

Household furniture.

Race horses.

Cattle and sheep.

Slaves.

Sec. 2. *Be it enacted*, That the following property shall be exempt from taxation, viz:—1. All property belonging to the State or any County thereof, or the State Bank or branches. 2. All property of literary, scientific, and benevolent institutions, actually used for the purposes for which such institutions were created, not exempting, however, any of such property, when invested in stocks, or employed in any other than the regular business of such institutions. 3. All houses of religious worship, and their appurtenances. 4. Lands appropriated for the use of schools, and held in trust for the use of a college, academy, or other seminary of education. 5. All public roads, streets, alleys, promenades, and walks, in the different cities and towns in this State. 6. All slaves under twelve, and over fifty years of age. 7. All places and monuments of the dead, and implements of burial. 8. All agricultural and horticultural instruments and implements, vehicles and utensils, when kept for use. 9. All carry-alls, all silver tea and table spoons. 10. All piano fortes, used in schools and academies. 11. The property of revolutionary soldiers and their widows, to the value of (\$2,000) two thousand dollars. 12. All capital stock, or property of all such incorporated companies as are exempt from taxation in their respective charters.

Property exempt from taxation.

Churches, schools, &amp;c.

School lands.

Property of revolutionary soldiers.

Sec. 3. *Be it enacted*, That merchants shall not sell their goods without taking first out, for such an establishment, a yearly license, for which they shall pay as follows:—1. Every wholesale merchant shall pay for his license, ( $\frac{1}{2}$ ) half cent in the dollar; on the invoice cost at the place where purchased, of all his goods, except such as may be sold without license. 2. Every

**Merchants' license.** retail merchant shall pay for his license, ( $\frac{1}{2}$ ) half cent in the dollar, on the invoice cost at the place where purchased, of all his goods, except such as may be sold without license. *Provided* no license shall issue for a smaller price than five dollars.

**Goods sold without license.**

SEC. 4. *Be it enacted*, That goods that may be sold without license, are salt, sugar, coffee, spun cotton, garden seeds, iron, and articles manufactured in this State: *Provided*, said articles shall not be exempt from taxation in the hands of any person who sets himself up as a merchant or grocer.

SEC. 5. *Be it enacted*, That the term "merchant," as used in the above section, includes every person trading or dealing in goods, wares, merchandise, groceries, jewelry, drugs, or medicines, which may not be sold without license.

**Peddlers' license.**

SEC. 6. *Be it enacted*, That every pedler shall take out license, in every county in which he travels, on foot, horse, or in a vehicle, or trades on a steamboat, or other water-craft and offers his goods, for sale, a yearly license, for which he shall pay (\$10) ten dollars, if he travels on foot; (\$20) twenty dollars, if he travels on horseback; (\$30) thirty dollars, if he travels in a vehicle, and (\$30) thirty dollars, for each vehicle, if he uses more than one; (\$50) fifty dollars, if he trade on a steamboat or water craft. But no license is required to peddle articles manufactured or made up in this State; or in the distribution or sale of scientific or religious books.

**Tax upon privileges.**

SEC. 7. *Be it enacted*, That a specific tax shall be paid upon the following privileges, to wit:—1. For crying auction sales as a regular business, twenty-five dollars. 2. For doing business as a broker, five hundred dollars. 3. For doing business as a commission merchant, on the gross amount of all his sales, public or private, except upon such goods as may be sold without a license, when the amount does not exceed ten thousand dollars, twenty-five dollars; between ten and twenty thousand dollars, fifty dollars; between twenty and thirty thousand dollars, seventy-five dollars; between thirty and forty thousand dollars, one hundred dollars; and in a like ratio. 4. For doing business as a produce or cotton broker, the same ratio shall be observed, upon the amount of purchases made by him, as prescribed in article 3d of this section. 5. For importing and selling playing cards, fifty cents per deck. 6. For discounting securities for money, or shaving notes one cent on every dollar so employed. 7. For granting policies of insurance, by other than companies chartered by the State, a sum equal to the highest yearly bonus exacted from

**Shaving notes.**

**Insurance bonus.**



any company chartered in this State. 8. For keeping a track for turf-racing, one hundred dollars; for an half mile track, (\$50) fifty dollars; for a quarter of a mile track, twenty-five (\$25) whether the track be kept exclusively for that purpose or not. 9. For a theatre, in a city, (\$50) fifty dollars, and in other places, the sum of (\$25) twenty-five dollars. 10. For concerts and musical entertainments, for profit, for each day and night five dollars, (\$5) except for benevolent purposes. 11. To exhibit for profit, any museum, menagerie, of any kind, dwarf persons of unusual size, or persons or animals deformed, for each day's and night's exhibition, (\$5) five dollars, paintings and statuary excepted. 12. To exhibit for profit, a circus, or circus and animal show, feats of activity or strength, for each day's and night's exhibition, (\$50) fifty dollars. 13. For doing the business of real estate broker or agent, as a regular avocation, the sum of (\$100) one hundred dollars. 14. To sell by a negro trader, broker or agent for the sale of slaves, (\$5) five dollars for each slave: *Provided*, that any person who may sell a slave or slaves, shall not be required to pay the tax, unless said person is engaged in negro trading as a business. And an original slave license for a year may be issued, on the condition that the applicant execute and deliver to the County Court Clerk a joint and several bond, of himself and at least two good sureties, in the penalty of (\$2,000) two thousand dollars, payable to the State of Tennessee, conditioned that he will render to the County Court Clerk, at the end of twelve months from the date of bond, a sworn statement of the number and description of the slaves sold by him, whether private or public, within the said twelve months, in the county where the license is sought to be obtained, and he will pay tax thereon; and on condition that he will pay the clerk a fee of one dollar. And if no license for a year is taken out, he shall pay the specific tax of (\$5) five dollars on each slave, in the manner hereafter prescribed. 15. For keeping a confecti-  
 onery, five (5) per cent. on the capital employed.

Sec. 8. *Be it enacted*, That all licenses, unless otherwise declared by law, shall be for one year, and confined to the county in which they are granted, and renewed upon the same terms. And all specific taxes in this act laid, shall be paid over to the constable of the civil district, by the person or persons availing themselves of the privileges specified; and if upon failure to do so, when demanded by said officer, he shall distrain so much of delinquent's goods and chattels, as shall be sufficient to pay tax, costs and charges; and

Racee Tracks.

Theatres.

Concerts, &amp;c.

Circus.

To sell negroes.

Confectionary.

Paid to Constable.

the bond executed by said officer, shall cover specific taxes hereby required of him to collect, and pay over to the proper officer by law to receive the same; and the party whose goods are distrained shall have the right of appeal.

Legal proceedings.

SEC. 9. *Be it enacted*, That the specific taxes, to be levied on legal proceedings, shall be the same as now by existing laws.

Land not granted.

SEC. 10. *Be it enacted*, That the manner and mode of obtaining licenses, and the neglect and refusal to take out the same, and the proceedings upon same, shall be the same as are now by existing laws.

Poll tax.

SEC. 11. *Be it enacted*, That land sold by the State, though not granted or conveyed, shall be assessed as if actually conveyed.

Exempt from poll tax.

SEC. 12. *Be it enacted*, That a yearly tax of (25) twenty-five cents a poll, shall be assessed on every white male inhabitant of the State, not exempt from taxation, between the age of (21) twenty-one and (50) fifty years.

Appointment of Assessor.

SEC. 13. *Be it enacted*, That those exempt from poll tax, are persons wounded in the military service of the country, deaf, dumb, and blind, ministers of the gospel, and persons exempt by particular laws.

#### APPOINTMENT OF ASSESSOR.

SEC. 14. *Be it further enacted*, That the County Court shall at the April term, once in every two years, appoint a Tax Assessor for the County, and when a vacancy occurs, which the Court is authorized to declare for cause, said Court shall fill the same as early as practicable. Said Assessor shall hold his office for two years, but that the office of Assessor and Tax Collector shall not be held by the same person.

To give bond and take oath.

SEC. 15. *Be it further enacted*, That the Assessor before entering upon the duties of his office, shall give bond; with good and sufficient security, to be approved by the County Court, in the sum of \$1,000 00 (one thousand dollars,) payable to the State of Tennessee, conditioned that he will well and truly, without partiality, favor, or prejudice, make a correct assessment of the property to be by him assessed, and faithfully discharge all the duties of his office, imposed by law; and he shall also take and subscribe the following oath before the Clerk of said Court, to wit:—"I, A. B., Tax Assessor for \_\_\_\_\_ County, do solemnly swear or affirm (as the case may be) that I will well and truly take a list of all the taxable property and polls that may come to my knowledge, in \_\_\_\_\_ County, agreeable to law and instructions of the Comptroller of the Treasury, and that I will use all lawful ways and means within my

power to find out and list such property and polls liable to taxation, within said County of———, and that all valuation of property by me to be made shall be done faithfully, justly, and truly, according to the best of my skill and judgment, and that I will do equal and impartial justice to the public and individuals.—So help me God.” Which oath shall be subscribed and recorded by the Clerk of the County Court.

SEC. 16. *Be it enacted*, That the Assessor shall, after the first day of April, in the year of his election, and before the first day of the following January, complete his assessment of all the real estate subject to taxation, within his county, which by the laws of this State is to be assessed by him according to the rules in this act prescribed. Said assessment of real estate to be made only once in two years.

SEC. 17. *Be it enacted*, That he shall assess, within the same period in each year, all persons, personal property, and other items of taxation, which, under provisions of the laws of this State, are to be assessed by him; and the real money value of all property taxed in this act, shall be the same at which said assessor would value such property in the payment of a just debt in cash due from a solvent debtor. Valuation.

SEC. 18. *Be it enacted*, That he shall enter the assessment of real property, and persons, and personal property, in separate books, suitably ruled, and substantially bound. Separate books.

SEC. 19. *Be it enacted*, That the book containing the assessment of real property must show in separate columns:—1. The names of the persons, in alphabetical order, in each civil district, to whom assessed, unless to an owner unknown; in which case it must be so stated. 2. The description of the property. 3. The contents, when the same can be shown by acres. 4. The valuation. 5. The amount of taxes assessed on same. The description of real property must be shown, when practicable, by sections or sectional sub-divisions, townships and ranges; if this cannot be done, the Assessor must adopt that mode of description which will most clearly and conveniently identify the property; and when several tracts or parcels of tracts of land belonging to the same person lie contiguous, forming one entire tract, the whole may be included in one valuation and so extended. Description of  
real property

SEC. 20. *Be it enacted*, That the books containing the assessment of persons and personal property must show in separate columns the names of the persons to whom assessed, in alphabetical order, in each civil dis-

trict:—1. The number of slaves to be taxed to each person. 2. The value of said slaves. 3. The species of property designated in article second, section first. 4. The valuation. 5. The species of property designated in articles third and fourth, section first. 6. The valuation. 7. The species of property designated in articles fifth, sixth, and seventh, section first. 8. The valuation. 9. The species of property designated in articles eighth and tenth, section first. 10. The valuation. 11. The polls. 12. The aggregate amount of taxes. Said books are to be made yearly.

SEC. 21. *Be it enacted*, That the Assessor must, upon the first assessment after his election, (the time at which the real estate is to be assessed,) give at least fifteen days' notice, by advertisement, posted at three or more public places in each civil district in his county, of the time that he will attend to assess the taxes: and also designate some place, and the direction he may proceed, in order to notify the persons subject to taxation, at or about the time he will be able to examine, inspect, and assess their real estate; and he must attend at such time, and in such manner make the assessment.

SEC. 22. *Be it enacted*, That it shall be the duty of all persons within such civil district, whose persons or property are subject to taxation, upon notice being given, according to the provisions of the preceding section, to give in to the Assessor a complete list of their property subject to taxation, and every item upon which such person is liable to be taxed. The lands, in all cases, must be given in with such description, as far as practicable, to identify the same as before provided. And the Assessor shall go upon, examine, and inspect said lands, and from any information to be derived from third parties, assess its real value in money, and not at a forced sale; and he shall have power to summon any persons to give information or aid him; and the person whose lands are to be assessed shall exhibit, point out, and give such information to the Assessor, touching the same, as shall be necessary, by said Assessor, to make a true and correct assessment. And the Assessor is empowered, and it is made his duty, and he is hereby required, to administer the following oath to each and every person furnishing a list of their taxable property, to wit:—"You do solemnly swear, or affirm, (as the case may be,) that the following list contains all the property and items for which you are subject to taxation, and that you have exhibited, pointed out, and given correct and true information concerning your real estate, (if such has been required of him or her by the Assessor,) to the best of

Fifteen days' notice.

To give in property.

Criterion for valuation.

May examine on oath.

your knowledge and belief.—So help you God.” And, if the Assessor deem it necessary, he is hereby empowered to examine under oath other persons touching the list and valuation. But, if the owner or person having charge of the property, reside out of the county, or is absent from necessity, or is unable to comply with the provisions of the law, by reason of any infirmity or disability, or is a female, such person may make out such list an oath, as herein prescribed, and the Assessor may receive the same: *Provided*, the Assessor shall not compel the owner of property to swear to its value.

SEC. 23. *Be it enacted*, That the Assessor must, upon the second assessment, (the time when the polls and personal estate is to be assessed,) give a like notice, by a like advertisement, that he will attend at a specified place in the civil district, and all persons shall attend and give in their lists under oath, unless by reason of disability specified in the preceding section; and in either of said cases they may send their lists, and he may receive the same.

To attend and  
give in prop-  
erty.,

SEC. 24. *Be it enacted*, That if any person subject to taxation fails to comply with the provisions of the preceding section, the Assessor must make demand of him or her, at his or her residence, such list; and for every such demand the Assessor is entitled to (25) twenty-five cents, to be added to the assessment, and collected as taxes, unless it can be shown of their inability to do so.

Twenty-five  
cents for not  
giving in prop-  
erty.

SEC. 25. *Be it enacted*, That if any person fail to give in a list as is required by the preceding sections of this act, after the demand is made, the Assessor shall ascertain from enquiry, or in any other mode, the property, and other items of taxation, to which such person is subject, and assess a double tax upon the same, to the best of his information and judgment.

SEC. 26. *Be it enacted*, That when the Assessor shall have completed his assessment by the time prescribed, he shall return the same to the Clerk of the County Court, who shall submit the same, until the first Monday in February thereafter, to the inspection of all persons who shall apply for the purpose; and if any person, upon such inspection, conceive himself aggrieved by the assessment, the Assessor shall, with the aid of two freeholders of the civil district, review the same, and if it appears to them from the statement of the party complaining, or upon evidence adduced by him that the assessment is erroneous, the Assessor shall enter upon his book the proper correction, subject to revision, or appeal to the County Court.

List to be left  
with County  
Court Clerk  
for inspection.

SEC. 27. *Be it enacted*, That if no objection be made

**Affidavit of the  
Assessor.**

to the assessment, or immediately after such objections as shall be made are disposed of, the Assessor shall sign the books, and attach thereto an affidavit signed by him in the following form:—"I do solemnly swear, or affirm, that I have set down in the above assessment, all the real estate, (if in the book prepared for that purpose, or in the other book,) all the taxable property and polls within——County, according to the best of my knowledge and ability; and that said assessment book contains a true statement of the aggregate amount of real estate, (as the case may be,) or taxable property and polls, of each and every person named therein, estimated according to the true value thereof, as prescribed by law, without favor or affection.—So help me God."

**the  
use of tax  
collectors.**

**Sec. 28.** *Be it enacted*, That the Assessor shall make out, from the original assessment books, a statement, in a suitable ruled book, of the names, in alphabetical order, of all persons in each civil district, against whom any tax has been assessed, and the amount of tax against each; and in case of lands assessed to persons unknown, a list of the lands so assessed, describing them as heretofore provided in this act, and stating the amount of taxes assessed upon each lot, tract or parcel of land, which statement must be delivered to the County Court Clerk by the third Monday in February in each year; and after such statement is by them compared with the original assessment books, and corrected, if necessary, it must be delivered to the Tax Collector by the first Monday in March of each year, with his certificate that the same is a correct statement from the original assessment books of the names of the persons against whom taxes have been assessed, and the amount assessed against each.

**Compensation.**

**Sec. 29.** *Be it enacted*, That the Assessor shall be entitled to such compensation for his services as the County Court in its discretion may allow.

**Rules to be ob-  
served.**

**Sec. 30.** *Be it further enacted*, That the following be the rules to be observed in the assessment of taxes:—1. Every person to be assessed for his poll tax in the county where he resides, where the assessment is made, if he has not been assessed for the same tax year in another county. 2. All real property is to be assessed in the county where it lies. 3. All personal property, unless the contrary be directed, is to be assessed in the county where it is at the time of assessment. 4. But that all slaves shall be assessed to the owner in the county where he resides; but if hired in a different county than that in which the owner resides, they shall still be assessed for their value in the county where he



lives, and the hirer shall be assessed to the amount of the hire; if the owner lives in another State, then the hirer shall pay the whole assessment. 5. That all property held by an executor or administrator, trustee or guardian, or by a person in any fiduciary or representative character, shall be assessed to said person in such character, and shall be entered in the Assessor's books in a separate line from his own property.

Sec. 31. *Be it further enacted*, That, in order to obtain annually an approximate estimate of the agricultural wealth of the State, the Assessor of each county shall annually make out a table showing, as nearly as practicable, in addition to the usual returns, the whole number of slaves owned by each person, the number of horses, mules, cattle, sheep and swine, and the number of bales of cotton, hogsheads of tobacco, and bushels of wheat and corn, raised the preceding year. Statistics.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 75.

AN ACT to secure the rights of Landholders.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person who shall hereafter trespass on the lands of another, by cutting down, or in any other manner destroying, valuable timber thereon, when the amount exceeds fifty cents, with a view to convert the same to his or her own use, or whoever shall knowingly and maliciously cut down and destroy valuable timber of another, shall be deemed guilty of a misdemeanor, whether the owner be personally present, forbidding the same, or not; and, upon conviction thereof, upon indictment or presentment, in the Circuit Court of the county in which such offence shall have been committed, shall be liable to all the pains and penalties, as in other cases of misdemeanors.

Sec. 2. *Be it enacted*, That any person who shall, knowingly or maliciously, destroy, or carry away, the rails or boards of another, shall be proceeded against as is denoted in the first section of this act; and, upon con-



viction, shall be punished in like manner: *Provided*, that nothing in the first section of this act shall be construed in such manner as to subject any one to such penalties who may be traversing or moving along any road, and, by accident or otherwise, require for their own immediate use any such article.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 16, 1856.

## CHAPTER 75.

AN ACT for the Benefit of Sureties and Endorsers.

*Be it enacted by the General Assembly of the State of Tennessee*, That the acts of 1809, chapter 69, 1836, chapter 41, and 1850, chapter 38, and 153, be, and the same are hereby, so amended, that when any judgment shall be rendered against any surety, stayor, or accommodation endorser, in or upon any note, bill, bond, or obligation, such surety, stayor or endorser, or his, her, or their representatives, may have, by motion, judgment against his, her, or their principal obligors, or their representatives, for all commissions and costs, paid upon such judgment; to be recovered in the same manner the judgment and costs are now recovered under said acts above specified.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 15, 1856.

## CHAPTER 76.

AN ACT to amend the existing Laws in this State on the subject of Killing Wolves.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the existing laws allowing the sum of three dollars for the killing of each

wolf over the age of four months, and the sum of four dollars for each wolf under four months be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That, hereafter, when any person kills a wolf in this State, over the age of four months, he shall be allowed the sum of six dollars for each one, and for the killing of each wolf under the age of four months, he shall be allowed four dollars; the payment to be made under the same rules, regulations, and restrictions so provided for by the act that this is intended to amend.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 77.

AN ACT to exempt certain property from Execution or Attachment, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall, hereafter, be exempt from execution and attachment, in the hands of the heads of families in this State, the following property, and no other, to wit:—Two beds, bedsteads and necessary bed clothing for each, and for each three children belonging to any one family, one additional bed, bedstead, and bed clothing; one cow, or cow and calf, and if the family shall consist of six or more persons, two cows or cows and calves; one dozen knives and forks, one dozen plates, half dozen dishes, one set of tea spoons, one set of table spoons, one bread tray, two pitchers, one waiter, one coffee pot, one tea pot, one canister, one cream jug, one dozen cups and saucers, one dining table, two table cloths, one dozen chairs, one bureau, one safe or press, one wash basin, one bowl and pitcher, one washing kettle, two wash tubs, one chopping axe, one spinning wheel, one pair cotton cards, and one cooking stove and utensils, or set of ordinary cooking utensils, sifter, or seive, and one cradle.

SEC. 2. *Be it further enacted*, That if such householder, in this State, be engaged in agriculture, there shall be further exempted in his or her hands, one horse, or mule, or yoke of oxen, one ox-cart, yoke, ring, staple, and log-chain, or one two or one horse wagon and harness, two

plows, two hoes, one cutting knife, one set of plow gear, one man's saddle, one lady's saddle, two riding bridles, twenty-five barrels of corn, ten bushels of wheat, five hundred bundles of oats, five hundred bundles of fodder, one stack of hay, and if the household shall consist of less than six persons, one thousand pounds of pork, slaughtered or on foot, or six hundred pounds of bacon, or, if more than six persons, then twelve hundred pounds of pork or bacon shall be exempt, and all the poultry on hand to be exempt.

SEC. 3. *Be it further enacted*, That there shall also be exempt, in the hands of each mechanic in this State, who is engaged in the pursuit of his trade or occupation, one set of mechanic tools, such as are usual and necessary for the pursuit of said trade.

SEC. 4. *Be it further enacted*, That all laws, and parts of laws, in conflict with the provisions of this act be, and the same are hereby, repealed.

SEC. 5. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 6. *Be it enacted*, That, in addition to the property above enumerated, there shall be also exempted from execution, five head of sheep, ten head of stock hogs, fowls to the value of twenty-five dollars, one bible and hymn book, one loom and gear.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM.

*Speaker of the Senate.*

Passed February 29, 1856.

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## CHAPTER 79.

AN ACT to protect the Lay-Members of all Ecclesiastical Denominations against the Domination of the Clergy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, all real estate that may be purchased, or that may be acquired by gift, grant, or devise, by any religious denomination in this State, the fee simple thereof, shall be vested in a Board of Trustees, or shall be held in trust by some one to be designated by the members thereof, for the use and benefit of said religious denomination.

SEC. 2. *Be it further enacted*, That, hereafter, all

religious denominations shall designate the Trustee or Trustees in whom the fee simple title in trust shall be vested, before the fee simple title shall pass.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 80.

AN ACT to establish a System of Patrols.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts, at any term thereof, may appoint in any or each civil district in their respective Counties, one or more patrols, not exceeding three in number, which appointment shall be made for a term of twelve months, and it shall be his or their duty, collectively if necessary, or separately, to patrol any and all places within the bounds of said district, which he or they may suspect, from personal knowledge or otherwise, of being frequented by any slave without the owner's permission. Appointment.

SEC. 2. *Be it enacted*, That the master, mistress or overseer, shall be constituted a patrol for his or her own premises.

SEC. 3. *Be it enacted*, That the duties and privileges of patrols shall be the same as under existing laws, where the same does not conflict with this act, except the exemption from road service, which is hereby repealed.

SEC. 4. *Be it enacted*, That the compensation of said patrols shall be determined by the County Judge, but in no case, shall it exceed one dollar per day, or night, and no compensation shall be given except for services necessarily and actually rendered, which shall be sworn to by the applicants before some Justice of the Peace. It shall be the duty of the County Judge to order the the issuance of a certificate of the amount due, which shall be paid over by the County Trustee. Compensation.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 81.

AN ACT to amend the Criminal Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall be indicted in the Circuit Courts, or any other court having criminal jurisdiction, for malicious shooting, and the jury trying the cause, after having all the evidence, shall be of the opinion that the defendant is not guilty of the malice, they shall have the power to find the defendant guilty of an assault, or an assault and battery, and judgment shall be given accordingly.

SEC. 2. *Be it enacted*, That, hereafter, it shall be unlawful for any person to sell, loan, or give, to any minor a pistol, bowie-knife, dirk, or Arkansas tooth-pick, or hunter's knife; and whoever shall so sell, loan, or give, to any minor any such weapon, on conviction thereof, upon indictment or presentment, shall be fined not less than twenty-five dollars, and be liable to imprisonment, at the discretion of the Court: *Provided*, that this act shall not be construed so as to prevent the sale, loan, or gift, to any minor of a gun for hunting.

SEC. 3. *Be it enacted*, That it shall be the duty of the Circuit Judges and the Judges of the Criminal Courts to give this act in charge to the Grand Juries: *Provided*, said minor be travelling on a journey, he shall be exempted.

SEC. 3. *Be it enacted*, That this act shall be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 82.

AN ACT to amend the Internal Improvement acts of 1852 and 1854.

*Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, it shall not be necessary for the Engineer in Chief to swear to the subscription list, solvency, and condition of any Railroad Company applying for State aid, but the oath required of the Engineer shall be taken by the President and Treasurer of the Com-

pany, whose duty it is to know of  
vency, and financial affairs of said Con.

SEC. 2. *Be it further enacted*, That it  
ful and proper for the East Tennessee an.  
Railroad Company to lay down iron at eith  
said road, and to draw the bonds of the State acc  
to the General Internal Improvement Act, passed F  
bruary 11, 1851-2, and the act of February 8, 1853-A.

SEC. 3. *Be it enacted*, That the fifth section of the act  
of February 17, 1854, be so amended that, hereafter,  
the bonds of the State may issue for ten miles or more  
of road graded, as required by existing laws, after the  
completion of the first thirty miles.

SEC. 4. *Be it further enacted*, That so much of the  
General Internal Improvement Acts of 1851-2, and  
1853 and 1854, as requires the several Railroad Com-  
panies embraced within the provisions of the aforesaid  
acts, to have the bridges, abutments, and embankments,  
on the several sections of their respective roads comple-  
ted before the bonds of the State shall issue to the Com-  
panies of said roads, be so amended, as to except  
those bridges, abutments, and embankments, which  
have been provided with State aid.

SEC. 5. *Be it enacted*, That this act shall take effect  
from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 19, 1855.

## CHAPTER 83.

AN ACT requiring the sale of Lands or Slaves to be advertised in a news-  
paper.

SECTION 1. *Be it enacted by the General Assembly of  
the State of Tennessee*, That it shall be the duty of every  
Sheriff, Coroner, Constable, Clerk of a Court, Commis-  
sioner appointed by a Court, Trustee, Executor, Admin-  
istrator, Guardian, or other person, in this State, whose  
duty it shall be to sell any lands or negroes, under, or by  
virtue of, any execution, order, judgment, or decree of a  
court, deed of trust, mortgage, or assignment, or will, to ad-  
vertise and publish such sale, or sales, at least three dif-

erent times, in some newspaper printed and published in the county where such sale or sales shall be made, having the largest circulation in said county—the first of which publications shall be made at least thirty days previous to the sale; and said advertisement shall give the names of the plaintiffs and defendants, or parties, and describe the lands or slaves, in a short terse manner, and mention the time and place appointed for the sale thereof; *Provided*, that if the deed of trust, mortgage, assignment, or will, contain specific directions as to the mode of advertising the sale, that then this act shall not apply to such cases.

SEC. 2. *Be it enacted*, That, if no newspaper is published in the county where said land or slaves are to be sold by virtue of an execution, it shall be the duty of the officer levying the execution, to inform the defendant or defendants, if they reside in the county where the sale is to take place, that it is his, her, or their, right to have such sale advertised in a newspaper as aforesaid; and if said defendant elect to have the same advertised, then it shall be the duty of said officer, to advertise the same in that newspaper having the largest circulation in said county; and, if said defendants elect not to have said advertisement made, then the same shall be advertised as now prescribed, in a newspaper as aforesaid; *and provided further*, that all other sales as aforesaid, shall be advertised in some newspaper; *provided*, the defendant or the person interested forbids the same, said sale shall not be advertised in a newspaper in any of the cases mentioned in the foregoing act.

SEC. 3. *Be it enacted*, That the printer's or publisher's fee or charge, for such publication, shall not exceed eighty cents per square, for the first publication, and forty cents per square, for each subsequent publication, which shall be taxed, collected, and paid, as the other costs or expenses in the suit, or on the sale aforesaid, are collected and paid. That, if the printer or publisher will not make said publication for the price fixed by this act, then the Sheriff, Coroner, Constable, Clerk, Commissioner, Trustee, Executor, Administrator, Guardian, or other person, mentioned in the first section of this act, may make publication of such sale, by written notices, posted up in at least five of the most public places in the county, one of which shall be at the court-house door.

SEC. 4. *Be it enacted*, That should any of the officers or persons herein enumerated, make a sale of land and slaves, or either of them, without pursuing the provisions of this act, said sale shall not on that account



be void or voidable, but shall be as valid as if this act had not been passed.

SEC. 5. *Be it enacted*, That any officer or other person named in the first section of this act, who shall fail to comply with the provisions of this act, shall be guilty of a misdemeanor, and on conviction by indictment or presentment, shall be punished as in other cases of misdemeanor, and shall, moreover, be liable to the party injured thereby, for all damages resulting therefrom.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 84.

**AN ACT to provide for the Payment of Costs in Prosecutions against Slaves.**

*Be it enacted by the General Assembly of the State of Tennessee*, That when any slave shall be tried for any offence which, under the laws of this State, amount to felony, when committed by a slave, the court trying such cause shall, whatever may be the event of the cause, enter up judgment against the State for all costs incurred in behalf of the State, which shall be certified by the Judge and Attorney General, and paid as in other cases: *Provided*, that, if the court shall be of opinion that the prosecution is frivolous or malicious, the prosecutor shall be taxed with the costs.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 85.

**AN ACT authorizing Grand Juries to send for Witnesses in certain cases.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Grand Juries shall have

power, and they are hereby required, to send for witnesses in all cases of disturbance of public worship, and in all cases of a violation of the laws of this State in relation to the sale of spirituous or vinous liquors, to give evidence upon any presentment or indictment for said offence.

*To charge Grand Jury.* SEC. 2. *Be it enacted*, That the Judges of the Circuit and Criminal Courts of this State, are hereby required to give this act specially in charge to the Grand Juries of this State.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 16, 1856.

## CHAPTER 86.

AN ACT to amend the first section, chapter 1, of an act passed in the year 1804

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of an act passed in the year 1804, chapter 1, be so amended that, hereafter, Justices of the Peace in this State shall have full power to issue a subpoena, or subpoenas, for the attendance of a witness, or witnesses, to appear before any Justice of the Peace within his county, before whom any suit, or suits, may be pending, in the same manner that Justices of the Peace now have, by virtue of said act of 1804, to issue the same, returnable before themselves.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 87.

AN ACT to amend an act entitled "An act to enable all persons charged with the assets of an estate to have the evidence of payment by them perpetuated, and for other purposes."

*Be it enacted by the General Assembly of the State of Tennessee,* That the first section of an act passed on the 2d March, 1854; entitled "An act to enable all persons charged with the assets of an estate, to have the evidences of payment by them perpetuated, and for other purposes," that it shall be entirely discretionary with any administrator, executor, guardian, or other person, charged with the settlement of an estate, whether his evidences of payment, acquittances, or receipts, shall be recorded by the Clerk having jurisdiction of said settlement.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 8, 1855.

## CHAPTER 88.

AN ACT to regulate Banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That, from and after the passage of this act, it shall be the duty of each and every Bank in this State, to make a semi-annual return to the Governor of the State, on the first Monday in July and January of each year, of the names of all its Stockholders, the amount of stock owned by each individual or company, the amount of money actually paid into the funds of each Bank, on each share, respectively, and the amount of the discounts of each Bank. And each Bank shall include in its semi-annual return, such other statements as are required of the Free Banks, by the eleventh section of the act of 1852, chapter 113, entitled "An act to authorize and regulate the business of Banking, passed the 12th of February, 1852," which return shall be verified by the affidavit of the President and Cashier of the Bank.

To make return  
to the Governor.

SEC. 2. *Be it further enacted,* That it shall be the duty of each and every Branch Bank in this State, to make

Branch Banks to  
make return.

out and forward to the Governor a return, as required in the foregoing section, separate and distinct from the return of the Mother Bank, which return shall be verified by the affidavit of the President and Cashier of the Branch Bank; and the Governor shall cause the returns in this and the foregoing section to be published, as is required of the Comptroller, by the provisions of the twelfth section of said act of 1852, chapter 113.

Not to issue  
small notes.

SEC. 3. *Be it further enacted*, That, from and after the first day of September next, no Bank or Branch Bank within this State, shall issue, emit, pay out, pass, or circulate, any bank note or bill of a less denomination than five dollars, except bills or notes of the Bank of Tennessee: *Provided*, that nothing herein contained shall be so construed as to make it unlawful for any Bank or Branch Bank to present for payment, or in any other mode transmit for redemption, to any Bank of this or any other State, any bill or bills of such Bank of the denomination aforesaid, remaining in circulation after the time aforesaid, with the view and in the mode to stop the future circulation thereof.

Passing small  
notes an offence.

SEC. 4. *Be it further enacted*, That each and every issuing, passing, paying away, or circulating of each and every bank bill or note, of a less denomination than five dollars, except bills or notes of the Bank of Tennessee, shall constitute a new, separate, and distinct offence.

Circulation.

SEC. 5. *Be it further enacted*, That the circulation of no Bank or Branch Bank shall, within any six months, computing from the first of January to the first of July, and from the first of July to the first of January, exceed its discounts more than two thousand dollars.

SEC. 6. *Be it further enacted*, That each and every Bank or Branch Bank, which may be guilty of a violation of any of the provisions of this act, shall be subject to presentment or indictment for every such offence, in the Circuit Court of the county in which such offending Bank or Branch is located; and upon conviction, shall be punished by a fine of not less than five hundred nor more than ten thousand dollars.

SEC. 7. *Be it further enacted*, That none of the provisions of this act shall be applicable to the Bank of Tennessee, or its Branches.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed March 1, 1856.

## CHAPTER 89.

AN ACT to repeal the proviso to the 3d section of an act passed February 10, 1854, chapter 105.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proviso to the 3d section of an act passed the 10th day of February, 1854, chapter 105, be, and the same is hereby, repealed.

Sec. 2. *Be it enacted*, That this act shall take effect from its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 8, 1855.

## CHAPTER 90.

AN ACT for Collecting Debts against Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, in all cases where County Commissioners contract debts for county purposes, and on account of such contract judgment is obtained against such Commissioners, then it shall be the duty of such County Court to levy a tax at the next regular assessment of taxes after the judgment or judgments are obtained, to meet the payment of such judgment or judgments, and the taxes, when so levied and collected, shall be immediately applied to the payment of such judgment or judgments. Levy tax.

Sec. 2. *Be it further enacted*, That any County Court failing to comply with the first section of this act upon the application of any one of the Commissioners, or person owning such judgment, against whom said judgment or judgments may be obtained, a writ of mandamus may issue from either of the courts of law or equity, ordering and compelling the assessment of a tax, sufficient to discharge the amount of such judgment or judgments; or said Commissioners or Commissioner, or person owning such judgment or judgments, may appeal from the refusal of the County Court to levy a tax for the purposes aforesaid, to the next term of the Circuit Court for the county, who shall try the same, and shall be authorized to make an order on the County Court in

Writ of mandamus to be issued in certain cases.

the nature of a peremptory mandamus, which said order, or the peremptory mandamus, shall be served on a majority of the Justices of the Peace of said county: *Provided*, a service of the *hi. si.* mandamus on the Chairman shall be sufficient.

SEC. 3. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 11, 1856.

## CHAPTER 91.

AN ACT to confer certain powers on the Surveyors of the respective Counties in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, whenever it shall become necessary to have a jury in the processioning of any lands as is now prescribed by law, to settle the boundary between the different claimants, the Surveyor of the county, or his deputy, who may be present processioning said lands, and establishing the corners, shall have the same power to summon and qualify said juries as is now conferred by law on the Sheriff of the county, and said Surveyor shall be allowed the fees for said services now allowed to the Sheriff for the same.

SEC. 2. *Be it enacted*, That the second section of an act passed February 24, 1852, shall apply to Sheriffs and Revenue Collectors, who may have been elected after the passage of the same, or who may hereafter be elected.

SEC. 3. *Be it enacted*, That the Circuit Court may condemn lands on which taxes are due and unpaid, at any term of said Court; and that the Revenue Collector or Sheriff may sell such lands, and make titles to the same, at any time within two years from and after the expiration of his term of office; and if the Revenue Collector or Sheriff shall fail or neglect to sell such land or lands, then the same shall be sold by his successor; *Provided*, the reported owner or owners of such land or lands shall have, as heretofore, the time allowed to redeem said land or lands, and that all laws or parts of

Act applies to  
Sheriffs.

R. Collector or  
Sheriff sell  
land.

laws coming in conflict with this act be, and the same are hereby, repealed.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed March 1, 1856.

## CHAPTER 92.

AN ACT to amend an act entitled "An act to amend the law in relation to the taking of Depositions."

WHEREAS, Doubts have been expressed by some of the Judges of this State, whether the act passed by the Legislature of 1851-2, chapter 161, entitled "An act to amend the law in relation to the taking of depositions," refers to proceedings in the Chancery, as well as the Common Law Courts:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said act be, and the same is hereby, declared, to embrace and apply to the taking of depositions, as well in the Chancery as in the Common Law Courts.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed December 8, 1855.

## CHAPTER 93.

AN ACT to furnish the officers of the Counties of this State with copies of Nicholson and Caruthers' Compilation, and Nicholson's Supplement of the Statutes of the State, and the Acts of the Legislature they are entitled to by existing laws.

*Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be, and is hereby, authorized to purchase, if not on hand, and directed to furnish the various officers of the Counties of this State, who are entitled to the same, the number of copies of



Nicholson and Caruthers' Compilation, and Nicholson's Supplement of the Statutes of this State, together with the Acts of the Legislature since said Compilation and Supplement, upon the filing in his office a certificate signed by the Clerk of the County Courts, of the Counties of the officers so making application, specifying under oath, that the officers named are deficient and entitled to the same by law to said books: That the Clerk may administer a similar oath to the officers applicant to himself; and in the event of a purchase by the Secretary, a warrant shall issue for same: *Provided, however, that the books aforesaid can be obtained without reprinting, and that this act shall take effect and be in force from and after its passage.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 94.

AN ACT to guard against accidents upon Railroads, and to protect the lives and property of the Citizens.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the engine-driver, or any person or persons having the charge of the running of a locomotive or train upon any Railroad in this State, to sound or blow the whistle, or ring the bell, when approaching any turnpike or any other public road, or any street crossed by the Railroad, in time to give due and timely notice of the approaching train, to any person or persons who may be traveling or passing upon such turnpike road or other public road or street so crossed by a Railroad.*

Sec. 2. *Be it further enacted, That, in the event that*  
 Guilty of felony. *any person or persons shall, through or by reason of any accident or collision happening from the failure or omission of any engine-driver, or other person entrusted with the running of a locomotive or train, to discharge the duty prescribed in the first section of this act, be killed, such engine-driver, or other person so entrusted with the running of such locomotive or train at the time of such accident, shall be guilty of a felony; and upon*

conviction thereof, shall be confined in the Penitentiary House of the State, for a period of not less than three nor more than twenty-one years.

SEC. 3. *Be it further enacted*, That, if any person or persons shall, through or by reason of any such accident or collision, so happening from such omission of the duty so prescribed, be wounded or crippled, such engine-driver, or other person so entrusted at the time of such accident or collision with the management of the locomotive or train, shall be guilty of a felony; and upon conviction thereof, shall undergo confinement in the Penitentiary House of this State, for a period not less than one or more than ten years.

Accident from collision a felony.

SEC. 4. *Be it further enacted*, That the Railroad Company in whose employment the engine-driver, or other person entrusted with the running of a locomotive or train may be, when such accident or collision shall happen from such failure or omission of duty as aforesaid, shall be responsible for all damages to persons or property, occasioned by or resulting from accident, which damages may be recovered by the person or persons injured or aggrieved, or by their legal representatives.

Liable for damages.

SEC. 5. *Be it further enacted*, That the due and timely notice of the approach of a locomotive or train, to the crossing of any turnpike road, or other public road or street, as contemplated in the first section of this act, shall be given by the blowing of the whistle, or the ringing of the bell when the train is not nearer than one-fourth of a mile to such crossing, and continue to blow or ring the same at short intervals, till the train has passed the crossing; and on approaching a city or town, by the blowing of the whistle or ringing of the bell, when within one mile, and the continuing to blow or ring the same at short intervals, till the train has reached its depot or station; and, on leaving any town or city, by the ringing of the bell when the train starts, and the continuing to ring the same till the train has passed the corporate limits of such city or town.

To blow whistle or ring bell on entering towns.

SEC. 6. *Be it further enacted*, That the overseers of public roads be required to put up signs at the various crossings of the railroads and said public roads, marked, "*Look out for the cars when you hear the whistle or bell*," and that the County Courts appropriate money to defray the expenses of said signs. Any neglect or the part of any overseer to comply with this provision, shall subject him to presentment or indictment for such neglect, and he shall be, on conviction, fined in any sum not exceeding fifty dollars.

Sign-boards to be put up.

SEC. 7. *Be it further enacted*, That the engine-driver

shall not be compelled to blow the whistle or ring the bell at any road crossing unless it is so designated as provided for in the sixth section of this act.

Keep look-out  
a-head.

SEC. 8. *Be it further enacted*, That all Railroad Companies in this State, shall be required to keep some one upon the locomotive always on the look-out a-head, and that, when any person, stock, or other obstructions, shall appear on said road, it shall be the duty of the Engineer on said train to blow the alarm whistle, to put down on the breaks, and use all necessary means to stop the trains, and prevent the killing or injuring of persons, stock or property.

SEC. 9. *Be it further enacted*, That any failure on the part of said Railroad Companies or their agents, to perform the duty prescribed in this act, then said Company shall be responsible for all damages accruing or resulting from a failure to perform said duty.

When provisions are complied with R. R. not responsible.

SEC. 10. *Be it further enacted*, That no Railroad Company shall be liable for damages or injury done to persons, stock, or other property on their respective roads, if they shall have complied with the provisions of this act—proof of which shall devolve upon said Railroad Company.

Governor to offer reward in certain cases.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Governor, when he shall be officially informed that an obstruction has been placed upon any railroad track in this State, by any person for the purpose of throwing off the locomotive or cars, it shall be his duty to offer a reward on the part of the State, for the apprehension and conviction of the person placing such obstruction upon said Railroad.

Knock down board a misdemeanor.

SEC. 12. *Be it further enacted*, That, if any person shall wantonly knock down or destroy any of the sign-boards mentioned in the sixth section of this act, he, she, or they, shall be deemed guilty of a misdemeanor; and on conviction thereof, by indictment or presentment, shall be fined or imprisoned, at the discretion of the court trying the same.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM.

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 95.

**AN ACT to amend an act entitled An act to establish a State Agricultural Bureau, &c., and for other purposes; and for the purpose of purchasing permanent Fair Grounds, and for other purposes.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the act entitled "An act to establish a State Agricultural Bureau, &c., and for other purposes," be so amended, as that the State Biennial Agricultural Fair shall be held on the second Monday in the month of October, in the city of Nashville, or vicinity: That section (10) ten be so amended, that live animals and stock raised in other States, but owned by citizens in this State, may compete for premiums.

**Sec. 2.** *Be it enacted,* That so much of section (13) thirteen as compels the State Bureau to raise, by contribution of individuals, a sum of money, a condition precedent to a receipt of the State bounty be, and is hereby, repealed, and that the State Bureau be entitled to receive said bounty as therein specified, which said receipt of bounty shall relate to, and commence, and be in force from the period of the passage of this act establishing the State Agricultural Bureau, passed February 21, 1854, and ever annually thereafter; and that so much of section (14) fourteen as directs the appropriation of said bounty by the State Bureau be, and is hereby, repealed, and that the Bureau shall make the appropriation of said bounty by way of premiums, and for necessary expenses, under such rules and regulations as are therein specified.

**Sec. 3.** *Be it enacted,* That section (20) twenty be so amended that the County Societies be entitled to receive hereafter the sum of (\$200) two hundred dollars, as State bounty, in the stead of (\$50) fifty dollars, under restrictions therein specified; and that sections (22 and 26) twenty-second and twenty-sixth be amended by striking out the words "at least" in each section respectively.

**Sec. 4.** *Be it enacted,* That, hereafter, the person or persons to whom may be awarded premiums upon live animals or stock, before the close of the fairs, furnish to the Secretaries of the Bureau, Division and County Fairs, a brief and succinct history or pedigree; as far as is practicable, of the live animals or stocks upon which such premiums shall have been awarded; and also shall, upon the same time and terms, furnish to the aforesaid officers, a brief account of the mode of culture and manufacture of such articles upon which premiums shall have been awarded; and a failure to comply with

the above requisition shall not entitle them to receive said premiums so awarded, unless, from circumstances, in the opinion of the Bureau and members of the Division and County Fairs, of inability so to do, may decide otherwise; and such histories, pedigrees, and brief accounts shall be embodied in the reports as are now required to be made by the existing laws.

**Sec. 5.** *Be it further enacted,* That there is hereby appropriated out of the Treasury of the State, of moneys not otherwise appropriated, the sum of (\$1,000) one thousand dollars to each Division of the State, for the purpose of purchasing moveable fixtures for the use of the Division Fairs, and that said purchase shall be made by such person or persons as may be chosen by the members of the Division Fairs, and the same so appropriated, shall be paid over to the Commissioners respectively, as are by law elected by the delegate members of the Division Fairs, upon their filing in the office of the Comptroller of the Treasury a certificate signed by the Commissioners, specifying, under oath, that the money is drawn for the purpose of said purchase, and will be paid over as is herein directed, and a warrant shall issue for the same; and said moveable fixtures, when so purchased and used for the benefit of the Division Fairs, after the termination of said fairs shall be placed in the possession of the Commissioners elect, to be securely kept and protected, and to be delivered up to the officers of the succeeding Division Fairs, shows, or exhibitions: *Provided, however,* that the appropriation herein made to each Division of the State shall, in the event of the location of the Division Fair, be by the delegate members applied to aid in said location as is hereinafter provided.

**Sec. 6.** *Be it further enacted,* That the Governor of this State be, and is hereby, authorized and directed to issue coupon bonds of the State of Tennessee, bearing an interest of six per centum per annum, payable semi-annually to the State Agricultural Bureau, to an amount not exceeding (\$30,000) thirty thousand dollars.

**Sec. 7.** *Be it enacted,* That the bonds before specified shall only be used for the purpose of purchasing permanent Fair Grounds and erecting necessary buildings and fixtures thereon, for the Biennial State Agricultural Fair, to be located in or the vicinity of the city of Nashville, under provisions hereinafter mentioned.

**Sec. 8.** *Be it enacted,* That it shall be the duty of the State Agricultural Bureau to deposit in the Bank of Tennessee, at Nashville, at least fifteen days before the interest becomes due, from time to time, upon said bonds

issued as aforesaid an amount sufficient to pay such interest, including exchange and necessary commissions, or satisfactory evidence that said interest has been paid or provided for, and that at the end of five years after the purchase and completion of said buildings and fixtures, the said Bureau shall set apart one per centum per annum upon the amount of bonds issued to the Bureau out of the gate and entry fees, and shall use the same in the purchase of bonds of the State of Tennessee, which bonds the Bureau shall pay into the Treasury of the State, after assigning them to the Governor, and for which the Governor shall give said Bureau a receipt; and as between the State and Bureau the bonds so paid in shall be a credit on the bonds issued to the Bureau, and bonds so paid in, and the interest accruing thereon from time to time, shall be held and used by the State as a sinking fund for the payment of the bonds issued to the Bureau; and should said Bureau re-purchase any of the bonds issued to it under the provisions of this act, they shall be a credit as aforesaid, and cancelled.

SEC. 9. *Be it enacted*, That for the purpose of said location of Fair Grounds, there is hereby appointed out of the present General Assembly of the State of Tennessee, a committee of five, three on the part of the House and two on the part of the Senate, appointed respectively by the Speakers of each body; which said committee, when so appointed, is hereby empowered and directed to visit, investigate and examine such tracts or parcels of land as, in the opinion of the committee, will be suitable and eligible for Fair Grounds, and to contract for the purchase of same; and the title bonds or deeds, shall be taken in the name of the Tennessee State Agricultural Bureau.

SEC. 10. *Be it further enacted*, That section (27) twenty-seven of this act passed February 21, A. D., 1854, establishing the State Agricultural Bureau, &c., be amended by appending an additional proviso, to wit: *Provided further*, that a majority of the delegate members present, as appointed under section (22) twenty-second of the aforesaid act to the succeeding Division Fair, show, or exhibition, shall in their discretion locate the Division show or exhibition, which said location shall be permanent and decisive. And if in the event of said location, there is hereby appropriated out of the Treasury of the State, of moneys not otherwise appropriated, the sum of (\$10,000) ten thousand dollars to each Division, for the purpose of purchasing permanent Fair Grounds and erecting necessary buildings and fixtures. And upon filing in the office of the Comptroller

of the Treasury a certificate; signed by the Commissioners as elected under section (29) twenty-nine of the act establishing the State Agricultural Bureau, &c., specifying, under oath, that the money is drawn for the purpose as aforesaid; and that it will be paid over to such officer or officers elected by the delegate members to receive same, and a warrant shall be issued; and that when said purchase has been made, the State of Tennessee shall be invested with a lien and mortgage, without a deed, from the delegate members, upon all the Fair Grounds and fixtures for which said money has been appropriated.

SEC. 11. *Be it enacted*, That the East Tennessee Agricultural Society, organized under the act entitled An act to incorporate the Tennessee Agricultural Society; and for other purposes, passed December 18, 1851, is hereby authorized and empowered to amalgamate with the East Tennessee Division Fair, show, or exhibition, upon the condition of uniting their means with said Division Fair, to be represented by the election of three Directors, vested with as full powers and privileges as are given to any three delegate members, representing any county entitled to representation in the Division Fair, show, or exhibition; and when said amalgamation has been effected under conditions herein specified, the delegate members of the Division Fair are hereby authorized and empowered to contract for and purchase the stock of the East Tennessee Agricultural Society, at no greater sum than par, and upon such time and other terms as may be agreed upon by the parties.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 96.

### AN ACT to Purchase the Hermitage.

WHEREAS, It is good policy in a Republican Government to encourage habits of industry, and to inculcate sentiments of veneration for those departed heroes who have rendered important services to their country in times of danger; and whereas, Tennessee acknowledges no superior in feelings of patriotism and devotion to the



Union, in whose cause the lamented Andrew Jackson acquired so much distinction; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State be empowered, and it is hereby made his duty, to purchase for the State of Tennessee, five hundred acres of the late residence of Andrew Jackson, deceased, including the mansion, tomb, and other improvements known as the Hermitage. Governor to purchase.

SEC. 2. *Be it further enacted*, That, whenever the said purchase is made, and the title to said property secured to the State, that the Governor is hereby authorized to cause the bonds of the State to be issued, and to endorse the same, in an amount not exceeding forty-eight thousand dollars, the proceeds of which to be appropriated by him to carrying into effect the provisions of this act: *Provided*, that the Governor and Secretary of State, upon investigation, shall be satisfied said price is not exorbitant. To issue bonds.

SEC. 3. *Be it enacted*, That the Governor of this State be authorized and required to tender the said property to the General Government of the United States, upon the express condition that it be used as a site for a branch of the Military Academy at West Point; and in the event the General Government does not accept the tender thus made, in two years from the expiration of this session of the General Assembly, then the Governor shall be authorized and required to have fifty acres laid off, including the tomb, the mansion, and the spring and spring-houses, and expose the balance to public sale, either as a whole or in lots, on time, or for cash, as to him may seem best, and make his report to the Legislature of 1859-60. To tender to General Government.

SEC. 4. *Be it enacted*, That Mr. A. Jackson, the present proprietor, shall have possession of the property for the next two years, unless the General Government should apply for it, in accordance with the provisions of the third section of the act. A. Jackson have possession two years.

SEC. 5. *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 11, 1856.

## CHAPTER 97.

AN ACT to regulate the transfer of State aid from one company to another.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, in all cases when the aid of the State has heretofore been, or may hereafter be, transferred from one railroad company to another, it shall not be lawful for the companies to which such aid is transferred, to receive more than at the rates of ten thousand dollars per mile, except in such cases specially excepted.

Knox circuit  
changed.

SEC. 2. *Be it enacted*, That after the next June Term of the Circuit Court for Knox County, said Circuit Courts for said County shall be held, commencing on the first Mondays of February, June, and October.

Issue bonds.

SEC. 3. *Be it further enacted*, That the Mayor and Aldermen of Knoxville shall have power to issue coupon bonds of the corporation of said city to the amount of one hundred thousand dollars in addition to the amount already issued, for erecting water-works and other improvements: *Provided, always*, that a majority of the qualified voters vote in favor of such proposition.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed March 1, 1856.

## CHAPTER 98.

AN ACT to amend an act entitled An act for the benefit of the Wives and Widows of the Soldiers of the Mexican War.

Keep in asylum.

Public expense.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of an act passed the 4th day of February, 1848, be so amended, as to extend unto and include any of the officers, surgeons, musicians, or soldiers themselves, who have served in any war between the United States and any government tribe of Indians or nation; and that on proof being made, as is provided for in the aforesaid act, of the service of any officer, surgeon, musician or soldier, in any war as aforesaid, and that the same has become deranged, and that they are not able to pay their expenses at the State Lunatic Asylum, that then

it shall be the duty of the Superintendent of the said Lunatic Asylum of the State of Tennessee, to receive any such person or persons into said Asylum, and keep them at the public expense.

Sec. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 99.

AN ACT to Protect Widows and Orphans.

*Be it enacted by the General Assembly of the State of Tennessee*, That the property now exempt by law from execution, shall, on the death of husband be exempt from execution, in the hands of and vested in the widow, (without regard to the size of the estate of the deceased,) for herself, and in trust, for the benefit of the children of the deceased, and shall not go to the executor or administrator.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 100.

AN ACT to Economize the Contingent Expenses of the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it is hereby made the duty of the Secretary of State to solicit proposals from responsible parties in this State for furnishing the General Assembly of Tennessee with stationery, including letter, foolscap, enrolling and wrapping paper, journals, envelopes, pens, ink, and such other articles as are needed by members and clerks at their desks, of a quality suit-

When take of  
fect.

able for the purposes for which the said articles are used; and that the said officer accept the lowest and best bid.

SEC. 2. *Be it enacted*, That this act shall take effect from and after the first day of January, 1857, and that all laws or parts of laws conflicting with the same be, and the same are hereby, repealed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 101.

AN ACT to Increase the Powers of Circuit and County Court Clerks.

*Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter whenever any bill or petition shall be filed in any of the Circuit or County Courts in this State, for the sale or partition of either real or personal property, the Clerks of said County shall have the same power and authority that the Clerks and Masters of the Chancery Courts have in similar cases, both in vacation and during term time.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 102.

AN ACT to Regulate the Agencies of Insurance Companies not incorporated by the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any agent or agents of any Insurance Company, incorporated by any other State than the State of Tennessee, directly or indirectly, to take risks or transact any business of insurance in this State without first procuring a certificate of authority from the Comptroller; and before ob-

taining such certificate, such agent or agents shall furnish the said Comptroller a statement, under the oath of the President or Secretary of the company, for which he or they may act, which statement shall show—

First. The name and locality of the Company.

Second. The amount of its capital stock.

Third. The amount of its capital stock paid up.

Fourth. The assets of the Company, including—1. The amount of cash on hand and in the hands of agents or other persons. 2. The real estate unincumbered. 3. Bonds owned by the Company, and how they are secured, with the rate of interest thereon. 4. Debts of the Company secured by mortgage. 5. Debts otherwise secured. 6. Debts for premiums. 7. All other securities.

Fifth. The amount of liability due or not due to banks or other creditors by the Company.

Sixth. Losses adjusted and due.

Seventh. Losses adjusted and not due.

Eighth. Losses unadjusted.

Ninth. Losses in suspense, waiting for further proof.

Tenth. All other claims against the Company.

Eleventh. The greatest amount insured in any one risk.

Twelfth. The greatest amount allowed by the rules of the Company to be insured in any city, town or village.

Thirteenth. The greatest amount allowed to be insured in any one block.

Fourteenth. The act of incorporation of each Company.

Which statement shall be filed in the office of said Comptroller, together with a written instrument, under the seal of the Company, signed by the President and Secretary, authorizing such agent to acknowledge service of process for and in behalf of such Company, consenting that service of process upon such agent shall be taken and held to be as valid as if served upon the Company according to the laws of this State or any other State, and waiving all claim of error, by reason of such service. And no Insurance Company, or agent or agents of any Insurance Company incorporated by any other State, shall transact any business of insurance in this State, unless such Company is possessed of at least one hundred thousand dollars of actual capital invested in stocks of at least par value, or in bonds or mortgages of real estate, worth double the amount for which the same is mortgaged. And upon the filing of the aforesaid statement and instrument with the Comp-

Process to be served on agent.

Comptroller to issue certificate

troller, and furnishing him with satisfactory evidence of such investment as aforesaid, it shall be the duty of said Comptroller to issue a certificate thereof with authority to transact business of insurance, to the agent or agents applying for the same.

Statement to  
be filed with the  
Comptroller.

SEC. 2. *Be it enacted*, That it shall be unlawful for any agent or agents of any Company incorporated by any foreign government other than a State of this Union, to transact any business of insurance in this State without procuring a certificate of authority from the Comptroller—such agent or agents having first filed, under oath, in the office of said Comptroller a statement setting forth the charter or act of incorporation of the Company, for which he or they may act, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnished evidence, to the satisfaction of the Comptroller, that said Company has invested in the stocks of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States; and the said agent or agents of such Company filing said statement and furnishing evidence of investment as aforesaid, shall be entitled to a certificate of authority in like manner as is provided for in the first section of this act.

Copy filed with  
County Court  
Clerk.

SEC. 3. It shall be the duty of the agent or agents, in either of the foregoing sections mentioned, before taking any risk, or transacting any business of insurance in this State, to file in the office of the Clerk of the County Court of the County in which he or they may desire to establish an agency for any such Insurance Company, a copy of the statement required to be filed with the Comptroller as aforesaid, together with the certificate of said Comptroller, which shall be carefully preserved for public inspection by said Clerk, and also to cause said statement and certificate to be published in some newspaper of general circulation in said County for three successive weeks.

To be renewed  
annually.

SEC. 4. *Be it enacted*, That the statement and evidences of investment required by this act, shall be renewed semi-annually in the months of January and July in each year, the first statement to be made in the month of July next, and the Comptroller, on being satisfied that the capital securities and investments remain secure as at first, shall furnish a renewal of certificate as aforesaid; and the agent or agents obtaining such certificate shall file the same, together with the statement on which it was obtained or renewed, in the office of the

Clerk of the County Court of the County in which such agency is established, and shall cause the same to be published in at least one newspaper of said County.

Sec. 5. *Be it enacted*, That, whenever any loss shall occur of any property insured by any Company authorized to take risks under this act, it shall be the duty of the agent by whom the insurance was made, to retain in his possession all moneys belonging to said Company which may then be, or may hereafter come into his possession, till such loss is adjusted and paid: *Provided*, that if suit shall be commenced by the party insured, against said Company, the agent may deposit in court double the amount mentioned in the policy, to abide the event of the suit; or if the party insured shall not commence suit within ninety days after the agent shall have given written notice to such party that the loss will not be paid, the agent may thereafter pay over to persons entitled the moneys of said Company; and if any person insured by such Company, meeting with a loss, shall notify any other agent of such Company thereof, it shall be the duty of such agent to retain all moneys belonging to such Company which may then be, or may thereafter come into his possession, as herein required of the agent with whom the insurance was effected.

Sec. 6. *Be it enacted*, That copies of all papers required by this act to be deposited in the office of the Comptroller, certified under the hand of such Comptroller to be true and correct copies of such papers, shall be received as evidence in all courts and places, in the same manner and have the same force and effect, as the originals would have if produced.

Papers to be received as evidence.

Sec. 7. *Be it enacted*, That any person or persons violating the provisions of this act, shall, upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisonment in the County jail not less than one month nor more than twelve months, at the discretion of the court. Violations of this act may be prosecuted by information filed by the Prosecuting Attorney of the proper County, or by indictment of Grand Jury: *Provided*, that this act shall not apply to any suit or suits arising upon and policy taken out before the passage of the same.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed March 1, 1856.



## CHAPTER 103.

AN ACT to amend the act of the General Assembly of Tennessee, passed February 8, 1854, entitled An act better to secure the rights of Tobacco Planters,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act passed February 8, 1854, entitled "An act better to secure the rights of Tobacco Planters, &c.," be so amended that the word "January," in the second line of the 34th section, be stricken out and the word "September" inserted.

SEC. 2. *Be it further enacted,* That the seventh and eighth lines of the 35th section be so amended that the words, "not exceeding 2½ per cent, on the proceeds," be stricken out, and that the words, "the sum of one dollar," be inserted.

McNairy Manu-  
facturing Co.

SEC. 3. *Be it enacted,* That L. M. Huggins, G. W. Michey and C. L. Chambers, and their associates or successors, be, and they are hereby, incorporated as a body politic, to be known and styled as the McNairy Manufacturing Company; and by said name may sue and be sued; plead and be impleaded; and have all the powers incident to corporations; and have succession for ninety-nine years.

SEC. 4. *Be it enacted,* That said corporation may engage in and carry on the manufacture of the produce and minerals in this State, in such way and manner as they may deem proper: *Provided,* the same is consistent with the laws of this State.

Capital stock.

SEC. 5. *Be it enacted,* That the capital stock shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars; and when the sum of four thousand dollars is subscribed, they may organize by the election of such officers as to said corporation may seem most expedient.

SEC. 6. *Be it further enacted,* That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 104.

AN ACT for the Benefit of the Railroad Tax Payers of Davidson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Tennessee and Alabama Railroad Company, the North-Western Railroad Company, the Edgefield and Kentucky Railroad Company, shall, by and with the consent of the County Court of Davidson County, be required to issue stock to the tax-payers of said County for the amount of the annual tax which has already and may hereafter be paid by said tax-payers, to provide for the interest on the bonds issued by said County for said railroads on presentation of the tax receipts for the respective railroads; said tax receipts shall be negotiable by endorsement, and no stock shall be issued for a less amount than one share: *Provided*, said railroad company shall be not required to issue stock for said tax receipts until the first dividend is ready to be made, at which time or any time thereafter, shall issue the stock.

To issue stock to  
tax-payers.

SEC. 2. *Be it enacted*, That all bonds of the different counties of the State issued for railroad purposes, and all city or corporation bonds for like purposes be, and the same shall be, exempt from taxation of every kind, in the same way that State bonds are exempt.

Bonds exempt  
from taxation.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 105.

AN ACT to amend the Common School Laws of this State.

*Be it enacted by the General Assembly of the State of Tennessee*, That section 10, of the act of 1841, chapter 47, be, and the same is hereby, repealed, and that from and after the passage of this act, when the population of any school district is scattered and lies remote from the place where the district school is situated, and such portion by themselves or in connection with the citizens of any other district or districts, desire to have a separate school-house, and furnish a list of twelve or more scholars to the Commissioners, the persons who shall

apply, having the said twelve scholars within the age prescribed by law, shall be entitled to their rateable share of said fund, to be appropriated for the benefit of said separate school, under the direction of said Commissioners.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 106.

AN ACT to prescribe the duty of the County Court of Davidson County, in disposing of the Sinking Fund of said County, created to pay Railroad Stock, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the County Court of Davidson County to direct that the sum raised by taxation as a sinking fund to discharge the bonds of the County issued to the several railroad companies, shall be invested either in the bonds of the County or of the State, but shall be vested in County bonds, when they can be had at the market price. The several sums raised for the respective companies shall be used in the redemption of the bonds of the companies respectively.

SEC. 2. *Be it further enacted*, That all the rights, powers, and privileges, and benefits conferred by this act on the County of Davidson, shall extend to and apply to the Counties of Jefferson, Washington, and Claiborne.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 21, 1856.

## CHAPTER 107.

AN ACT to Repeal the Tippling Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed January 23, 1846, entitled "An act to tax and regulate Tippling and Tippling Houses, and to increase the Revenue," be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 1, 1856.

## CHAPTER 108.

AN ACT to amend the Practice in the Chancery Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, any plaintiff or complainant may file his or her petition or bill in any court in this State having cognizance thereof, and in said petition or bill expressly waive the oath of any defendant or defendants to the answer required to said bill or petition, and the answer in that case may be filed without being verified by oath; and the plaintiff or complainant shall not be compelled to prove his petition by two witnesses as heretofore, but that the proof by one witness, or by circumstances equivalent thereto, shall be sufficient to sustain the allegations of said petition or bill.

SEC. 2. *Be it enacted*, That this act be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 2, 1856.

## CHAPTER 109.

AN ACT giving further time to perfect Titles to Lands in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time be given until the first of November, 1857, to all persons to make survey and perfect titles to lands in this State which have been entered previous to the passage of this act.

SEC. 2. *Be it enacted*, That all entries hereafter made upon lands in this State, the person making such entry shall perfect the title to the same within twelve months from the date of said entry; otherwise said entry shall be void, and the lands subject to be entered as other vacant lands.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed January 22, 1855.

## CHAPTER 110.

AN ACT to amend an act entitled "An act to Authorize and Regulate County Subscriptions for Railroad Stock," passed January 22, 1855.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts in the several Counties in this State shall have full power and authority to fix and determine the fee or per centum of the Trustee in any of said Counties, for his services in receiving the railroad tax, and paying the same out in the redemption of County warrants, or otherwise, under the law which this act is intended to amend.

SEC. 2. *Be it enacted*, That this act shall take effect and be in force from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 23, 1856.

## CHAPTER 111.

AN ACT granting Appeals in Certain Cases.

*Be it enacted by the General Assembly of the State of Tennessee*, That either party, in cases of contested elections, under the act of 1854, chapter 32, may, if they desire, have an appeal to the Supreme Court, and that it shall be in all respects governed by the same rules and regulations as other Chancery causes.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 112.

AN ACT to Amend the Practice in the Trial of Criminal Cases, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in all cases of felony, where it shall be made satisfactory to appear to the Court where the indictment is pending, that from undue excitement against the prisoner in the County where the offence was committed, or any other fact that a fair trial could not probably be had there, it shall be the duty of the court, with the assent of the prisoner, to remove the trial of the cause to any adjoining County where the same causes do not exist.

SEC. 2. *Be it enacted*, That it shall be the duty of the Clerk of the Court, in case of such changes of venue, to send the indictment and all other papers in the case, together with a copy of the order of the court removing the cause, properly authenticated, to the court of the County where such cause is removed for trial; and it shall be there tried as in other cases of change of venue.

Clerk's duties  
in change of  
venue.

SEC. 3. *Be it enacted*, That the Chancery Courts at Jasper, Pikeville, Sparta, Livingston, Jamestown, Montgomery, Kinston, Decatur, and Washington, in the Fifth Chancery Division, shall hereafter be held at the times following, to wit:—At Jasper, on the second Mondays of March and September; at Pikeville, on the third Mondays of March and September; at Sparta, on the fourth Mondays of March and September; at Livingston, on

Time of holding  
courts

the first Mondays of April and October ; at Jamestown, on the second Mondays of April and October ; at Montgomery, on Thursdays next after the second Mondays of April and October ; at Kingston, on the third Mondays of April and October ; at Decatur, on the fourth Mondays of April and October ; at Washington, on the Wednesdays next after the fourth Mondays of April and October.

SEC. 4. *Be it further enacted*, That the courts mentioned in the preceding section shall be held as now directed by law, until after the first day of May, 1856, when this act shall take effect.

Time of holding  
Chancery  
Courts.

SEC. 5. *Be it enacted*, That the Chancery Courts in the Sixth Chancery Division, from and after the first Monday in April next, shall be held at the times and places hereafter set forth :—At Huntingdon, in Carroll County, on the first Mondays of February and August, at Lexington, Henderson County, on the second Mondays of February and August ; at Purdy, in McNairy County, on the third Mondays of February and August ; at Savannah, in Hardin County, on Thursday after the third Mondays of February and August ; at Waynesboro, in Wayne County, on the fourth Mondays of February and August ; at Lawrenceburg, Lawrence County, on the first Mondays of March and September ; at Centreville, in Hickman County, on the second Mondays of March and September ; at Charlotte, in Dickson County, on the third Mondays of March and September ; at Waverly, in Humphreys County, on Thursdays after the third Mondays in March and September ; at Camden, in Benton County, on the fourth Mondays of March and September ; at Decaturville, Decatur County, the first Mondays in April and October ; at Linden, in Perry County, on Thursdays after the first Mondays of April and October.

SEC. 6. *Be it further enacted*, That in all cases where the Chancery Courts are to be held only for three days, decrees, *pro confesso*, may be taken on the second day of the term, and the cause set down for hearing *ex parte*.

Receiver—how  
appointed.

SEC. 7. *Be it enacted*, That no receiver shall be appointed in Chancery upon the application of one party without notice of the application to the other party, his attorney or agent.

SEC. 8. *Be it further enacted*, That the title of all persons to any slave or slaves sold under proceedings of the Circuit, Chancery, or County Court, under the act of 1827, chapter 51, and to which the heir distributees or legatees were not made parties, shall be forever barred,



unless suit to recover said slave or slaves shall be instituted within six months after the passage of this act.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 19, 1853.

## CHAPTER 113.

AN ACT to provide a remedy in favor of Private Individuals against the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, when any person may have any right of action against the State of Tennessee, it shall be lawful for such person to institute his, her, or their, suit against the State, under the same rules and regulations that govern actions between private persons.

SEC. 2. *Be it enacted*, That, whenever any person may wish to institute suit under the provisions of the first section of this act, service of process upon the Attorney General of the district where the party may desire to institute suit, will be sufficient service to bring the parties before the court: *Provided*, ten days' notice be given.

Ten days' notice to be given.

SEC. 3. *Be it enacted*, That in all suits brought against the State, or suits brought by the State against individuals, the Statute of Limitation shall not operate to interpose a bar to the successful prosecution of any such suits.

Statute of Limitation not to operate.

SEC. 4. *Be it further enacted*, That, in all cases where suits have been finally determined in favor of any person or persons, against the State, it shall be the duty of the Comptroller of the Treasury, on the judgment creditor in such case, filing with him a certified copy of the record in said case, showing the amount of said recovery, to issue his warrant for the same.

Comptroller to issue warrant.

SEC. 5. *Be it further enacted*, That the 9th section of an act passed February 9, 1850, chapter 225, be, and the same is, so amended, that the presiding officer of the County Court, shall have power to adopt such meas-

ures as he may think best, to put a stop to the disease mentioned in that section; the necessary expense of which shall constitute a county charge, as provided for in said 9th section.

Steam Mill.

SEC. 6. *Be it further enacted*, That every Steam Grist Mill that shall, at any time, grind for toll, shall be held and deemed; and is hereby declared to be, a public mill.

Miller—how to grind.

SEC. 7. *Be it further enacted*; That all such millers shall grind according to turns, and shall well and sufficiently grind the grain brought to their mills; and shall take no more toll than one-seventh of the corn and wheat or rye, and one-fourteenth for chopping the grain of any kind; and every such miller or keeper of such mill, making default herein, viz: Not grinding according to turn; nor well and sufficiently grinding the grain as aforesaid; or exacting or taking more toll than herein set down, and allowed; shall, for every such offence, forfeit and pay the sum of three dollars to the party injured, to be recovered before any Justice of the county wherein such offence is committed, with costs: *Provided, nevertheless*, that it shall be in the power of any such owner to grind, or cause to be ground, his own grain, at any time he thinks fit.

Bolt flour.

SEC. 8. *Be it further enacted*, That all millers shall bolt the flour ground at their mills.

Trustees to take an oath.

SEC. 9. *Be it further enacted*, That, from and after the passage of this act, it shall be the duty of all trustees and assignees in this State, to whom any goods, chattels, lands, tenements, rights or credits, have been, or may hereafter be transferred, or conveyed in trust for the benefit of the creditors, securities, or any other person, before selling, or in any wise disposing of, any part thereof, to take and subscribe an oath before the Clerk of the County Court, of the county in which said trustee or assignee may reside, to the effect that he, she, or they, will honestly and faithfully execute and perform all the duties imposed upon him by law, and said trust deed or assignment; and that he, she, or they, will cause to be made a full, true, and perfect, inventory of all and singular, the goods, chattels, lands, or other assets contained in said trust deed or assignment which have or may come into his hands, or into the hands of any other person for him, her, or them, and that he, she, or they, will return, or cause to be filed in the office of said Clerk, a full and true account of all the sales of said assets, and of all moneys received, or securities taken.

SEC. 10. *Be it further enacted*, That such trustee or assignee shall, before entering upon the discharge of his

duty as such, enter into bond, with two or more good and sufficient securities, in double the amount of the value of the goods, chattels, lands, or other assets, mentioned in the trust deed or assignment, payable to the State of Tennessee, for the use of the beneficiary, or other parties interested in said deed of trust or assignment, and conditioned, that said trustee or assignee will faithfully perform all the duties imposed upon him by law, and by the terms of the trust deed or assignment; and said bond and affidavit shall be filed and preserved by said Clerk, upon which bonds, suits may be brought, and judgment obtained, in the same manner which is now authorized by law upon the bonds of administrators and executors.

To give bond.

SEC. 11. *Be it further enacted*, That, if any trustee or assignee, shall fail or refuse to comply with the provisions of this act, it shall be the duty of the County Court, upon application of any person or persons interested, to appoint a trustee or receiver in the room and stead of such delinquent trustee or assignee, who shall have full power to execute said trust or assignment, and who shall comply with the provisions of this act, and the requirements of the law.

Duty of County Court to appoint trustee in certain cases.

SEC. 12. *Be it further enacted*, That the securities of such trustee or assignee, may be released in the same manner, and under the same rules and restrictions, and upon the conditions, that securities of administrators and executors may now be released.

Securities released as in other cases.

SEC. 13. *Be it further enacted*, That all the parties interested may, after the execution and delivery of any deed of trust or assignment, in writing, release said trustee or assignee, from the requirements of this act, but not otherwise.

Parties may release.

SEC. 14. *Be it further enacted*, That the provisions of this act shall not apply to any case where the trust fund shall not exceed five hundred dollars.

SEC. 15. *Be it further enacted*, That trustees and assignees receive the same fees for selling and collecting, which are allowed to Clerks and Masters in Chancery.

Trustee's fees for collecting, &c.

SEC. 16. *Be it further enacted*, That so much of sections 68, 69, 70, 71, 72, 73, 74, and 75, of an act passed March 2, 1854, entitled "An act to incorporate the Etna Mining and Manufacturing Company," as confers banking privileges on said Companies therein embraced be, and the same are hereby, repealed: *Provided*, this section shall not go into effect until the first day of August, 1856.

Central Bank Charter repealed.

SEC. 17. *Be it enacted*, That every fraudulent breach

Breach of Trust  
criminal.

of trust is; hereby, declared to be a criminal offence ; and the following acts may constitute the same :—

Money on de-  
posite.

1. The fraudulent appropriation of personal property, or money, by any one to whom it shall have been delivered on deposit, sequestration, pledge, or to be carried or repaired, or in whose hands or control it may be, by his position as clerk, agent, factor, or bailee, or on any other contract of trust, by which he was bound to deliver or return the thing received, or its proceeds.

Fraudulent ap-  
propriation of  
property.

2. The fraudulent appropriation of certain specific property by any one, to whom it shall have been delivered, on a contract of loan for use, or of letting and hiring, after the time at which, according to the contract, the right of use acquired thereby has ceased, or, before that time, by a disposition not authorized by the contract.

SEC. 18. *Be it further enacted*, That the two cases above specified, refer to a receiving, with an intent to comply with the contract under which the delivery is made, and a subsequent determination of fraud. If the contract be used merely as the means of procuring possession, with an intent to make a fraudulent appropriation, it is theft.

Punishment by  
imprisonment.

SEC. 19. *Be it further enacted*, That the punishment for fraudulent breach of trust, as above declared and described, shall be imprisonment in the Penitentiary, at hard labor, not exceeding five years, if the property be of the value of fifty dollars, or under; and, if above that value, the like imprisonment, not exceeding ten years.

SEC. 20. *Be it further enacted*, That the giving to another the charge or care of property, subject to the immediate orders of the owner; or the use of it in his presence; or for the purpose of his trade, is not a delivery within the meaning of the description of this offence. A fraudulent appropriation of property so placed, is theft.

SEC. 21. *Be it enacted*, That a party indicted for theft, may be found guilty of this offence.

The officers of  
banks, railroad,  
and other cor-  
porations, liable  
to the same pen-  
alties.

SEC. 22. *Be it enacted*, That every president, cashier, treasurer, secretary, or other officer, and every agent of any bank, railroad, manufacturing, or other corporation, who shall willfully, and designedly sign, with an intent to issue, sell, or pledge, or cause to be issued, sold, or pledged, or shall willfully and designedly issue, sell, or pledge, or cause to be issued, sold, or pledged, any false, fraudulent, imitated certificate, or other evidence of the ownership, or transfer, of any share or shares of the

capital stock of such corporation, or any instrument purporting to be a certificate, or other evidence of such ownership, or transfer, the signing, issuing, selling, or pledging, of which by such president, cashier, treasurer, or other officer, or agent, shall be not be authorized by the charter and by-laws of said corporation, or by some amendment thereof, shall be adjudged guilty of felony; and shall be punished by imprisonment in the Penitentiary, not less than one, nor more than ten years.

SEC. 23. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 114.

AN ACT to prevent incompetent persons from teaching Free Schools, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts of each county in this State, be authorized and required, on the first Monday in January in each and every year, to elect one or more Commissioner or Commissioners, whose duty it shall be to examine all applicants to teach the Free Schools; and if, upon examination, the applicant is considered competent to teach Orthography, Reading, Writing, Arithmetic, Geography, English Grammar, &c., he or she shall be entitled to a certificate of such competency; and *be it further enacted*, that the Common School Commissioners shall not employ any person to teach school without their first producing a certificate, as required in this act, of their competency to teach what may be required by the Commissioners.

Certificate required.

SEC. 2. *Be it further enacted*, That each applicant shall pay to the County School Commissioner, the sum of one dollar, for his or her examination, for their services.

Fee for examination.

SEC. 3. *Be it further enacted*, That, whenever a vacancy shall occur among the School Commissioners in any school district, it shall be the duty of the Sheriff of the county in which such school district is situated, to

Vacancy—how filled.

hold an election to fill said vacancy; and any law now in force, in conflict with this act, is hereby repealed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 16, 1856.

## CHAPTER 115.

AN ACT to amend the act passed December 16, 1839, entitled "An act to provide for the probate and registration of Deeds, and other instruments, executed beyond the limits of the United States, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed December 16, 1839, entitled "An act to provide for the probate and registration of deeds, and other instruments, executed beyond the limits of the United States, and for other purposes," be so amended that all deeds, powers of attorney, and other instruments proved or acknowledged before the Clerk of any court of record, in any of the States of this Union, and certified by the Clerk, under his seal of office, and in such case, the Judge, Chief Justice or Presiding Magistrate of the Court, shall certify as to the official character of the Clerk.

Instruments—  
how registered.

SEC. 2. *Be it further enacted*, That all deeds, powers of attorney, or other instruments, proved or acknowledged, and certified in the manner aforesaid, may be registered in this State; and when so registered, shall have the same force and effect, as deeds, powers of attorney, and other instruments, proved, and acknowledged, and registered, according to the laws now in force, and may be read as evidence without farther proof.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 116.

AN ACT to amend the Civil Practice in certain cases, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That, from and after the first day of April next, all suits at law or equity, where the title of land is involved, the tribunal having cognizance thereof, shall issue a writ for possession for the same, in accordance with the decision of the case, to the plaintiff or plaintiffs, and defendant or defendants, as the case may be: all laws to the contrary, notwithstanding.

**SEC. 2.** *Be it further enacted,* That, in all cases where judgment may be rendered in the County Court, against any person or persons, or the heirs or representatives of any person or persons, who was security on any note, bill, bond, or obligation, given for property sold by decree or order of said court, under, and by virtue of, the act passed Dec. 30, 1849, ch. 185, entitled "An act to give the County Courts jurisdiction to provide for the partition and distribution of the estates of deceased persons," and the act passed January 26, 1852, chapter 92, and other acts amendatory and supplementary to said first mentioned act, it shall and may be lawful for such security or securities, his, her, or their, representative, to obtain judgment in said Court, by motion against his, her, or their, principal obligor or obligors, or their representatives, for the full amount of such judgment and costs, and execution shall issue accordingly, under the same rules, regulations, and restrictions, which govern executions on the judgment against the principal.

Judgment may  
be rendered  
against secu-  
rities.

**SEC. 3.** *Be it enacted,* That, when any motion shall be made agreeably to the provisions of this act, and it does not appear on the face of the note, bill, bond, or obligation, whether the person in whose favor such motion was made, was security or not, the Court shall immediately empanel a jury, to ascertain the fact, and on the finding that the person or persons were only securities, said Court shall enter up judgment, agreeably to the second section of this act.

Jury to deter-  
mine facts.

**SEC. 4.** *Be it enacted,* That, in all cases under this act, where there are two or more securities on any note, bill, bond, or obligation, and judgment has been rendered only against a part of the securities, or the heirs or representatives of a part of the securities, or the money paid by one or more, or each has not paid his ratifiable part of said judgment, it shall and may be lawful for each security, or securities, his, her, or their heirs, or representatives, on motion to said Court, to have

Judgment may  
be rendered a-  
gainst all par-  
ties in a note.



judgment, and award execution, against all and every of the securities, their heirs or representatives, in said note, bill, bond, or obligation, for their, and each of their, respective shares and proportion of said debt; and if it does not appear by said note, bill, bond, or obligation, whether they are securities or not, a jury shall be empaneled agreeably to the second section of this act to ascertain the fact, and said Court shall proceed accordingly.

**Appeal.** SEC. 5. *Be it enacted*, That no appeal to the Circuit Court from the judgment of the County Court under this act, shall be allowed; but a writ of error or appeal, in the nature thereof, shall lie to the Supreme Court, upon the party giving bond and security, according to the laws now providing for writs of error or appeal in the nature thereof, from the Circuit to the Supreme Court.

**Court.** SEC. 6. *Be it further enacted*, That when any Justice of the Peace shall be necessarily engaged more than one day in the trial of any person or persons charged with a felony, that the County Court, of the County in which the trial takes place, shall have full power and authority to make such allowance, out of the County Treasury, to said Justice and officer arresting and guarding the defendant, as, from proof, may seem right and just, not exceeding, however, two dollars per day to the Justice, two dollars per day to the officer, and one dollar per day to the guard, and not exceeding seventy-five cents per day, each, for boarding and lodging the guard.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 117.

AN ACT for the Benefit of the Penitentiary of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of twenty thousand dollars be, and is hereby, appropriated to the use of the State Penitentiary, and that the Treasurer of the State pay the same to the Agent thereof, as follows: \$10,000 00

during the present year, and the other half during the year 1857, in such sums as may be required by said Agent, for the expenses of the prison, and in building additions thereto.

SEC. 2. *Be it further enacted*, That the Treasurer of the State pay to Isaac Paul, the sum of four hundred dollars, for his services in superintending the re-building of that part of the Penitentiary destroyed by fire in March, 1855. Isaac Paul,  
\$400 00.

SEC. 3. *Be it enacted*, That the Inspectors of the Penitentiary are hereby authorized to purchase a suitable piece of land, within a few miles of the prison, for a burying ground for deceased convicts, and they cause the same to be conveyed to the State, and the Agent of the Penitentiary is hereby directed to pay for said land as may be directed by the Inspectors. Burying ground.

SEC. 4. *Be it enacted*, That the Agent of the Penitentiary, under the direction of the Inspectors, cause to be built, strong and substantial stone walls, so as to enclose all the ground of the prison, extending to the Charlotte turnpike, and on a line with the present outer walls; also, a suitable building on said ground so enclosed, with not less than one hundred cells, for the safe-keeping of the convicts. That so much of said work as possible, be done by the convicts, and any extra cost be paid for out of the funds of the prison. Extend walls,  
and build new  
cells.

SEC. 5. *Be it enacted*, That, should the Inspectors of the Penitentiary find it necessary for the interest of the prison to purchase a stone quarry, under existing laws, that the Treasurer of the State pay for the same, upon their order. Authorized to  
purchase stone  
quarry.

SEC. 6. *Be it enacted*, That the Agent of the Penitentiary be required to keep vouchers for all and every expenditure for the prison, and have the same ready for examination of future Legislatures. Agent to keep  
vouchers.

SEC. 7. *Be it enacted*, That the salary of the Principal Clerk or Book-keeper be advanced to eight hundred dollars per annum. Clerk's salary.

SEC. 8. *Be it enacted*, That the Agent be authorized to purchase materials for manufacturing at any place in the United States, where he can obtain them on the best terms.

SEC. 9. *Be it enacted*, That the remaining notes and accounts due the prison, previous to the time the cash system commenced, be placed in the hands of a suitable collector, and that he be allowed such a per cent. of what he collects as may be agreed on by him and the Inspectors. Accounts to be  
collected.

SEC. 10. *Be it further enacted*, That said Superinten-

dent is hereby authorized to take out to work, ten convicts, in addition to what is now authorized by law, for the purpose of working in the stone quarry.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 118.

AN ACT to incorporate the Collierville Female College, in Shelby County, Tennessee; to incorporate the Winchester Male and Female Academy, located on Elk Fork, in Campbell County; to incorporate Sequatchee Valley Academy, in the County of Marion; and, also, to incorporate the Philosophian Institute, in the County of Cannon; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Collierville Female College have a corporate existence, and that the Faculty of said College, shall have full power and authority to confer upon any student in said institution, or other person, any degrees and honors usually conferred in any college or university in the State, or in the United States.

Property free  
from taxation.

SEC. 2. *Be it enacted,* That all the property held by the Faculty, for the use of said College, shall be forever free from taxation of all kinds, for any purpose, or by any authority whatsoever.

Winchester  
Academy.

SEC. 3. *Be it further enacted,* That L. J. Stanfield, M. Stanfield, S. S. Stanfield, E. D. Perkins, Prior Perkins, Wm. A. Douglas, and Spencer Say, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Trustees of Winchester Male and Female Academy," located on Elk Fork, in Campbell County; and that the said Trustees, and their successors, shall have perpetual succession, and be capable in law or equity, to sue and be sued, plead and be impleaded, in any of the courts of this State or elsewhere; and the said Trustees, by the name aforesaid, shall be capable in law or otherwise, to purchase, receive, and hold by gift, or otherwise, to themselves and successors, any real or personal estate for the benefit of said Academy, and to appropriate, use, and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of said Academy.

**Sec. 4.** *Be it enacted,* That the said Trustees, and their successors, shall have power to hold such meetings as may be agreed upon from time to time by a majority of their body, to elect a President, Secretary and Treasurer, out of their own number, and to fill all vacancies that may occur by death or otherwise; but not less than a majority of said Trustees shall constitute a quorum to transact business.

Election of  
officers.

**Sec. 5.** *Be it enacted,* That the said Board of Trustees shall have power to make such regulations in relation to said Academy, and the government thereof and their own proceedings, as a majority may deem right and proper; *provided,* they be not inconsistent with the Constitution and laws of this State.

**Sec. 6.** *Be it further enacted,* That J. D. Alexander, Henry Goodloe, D. Hogwood, A. McNight, and A. Miller McNight, be, and they are hereby, constituted a body corporate and politic, by the name and style of "The Trustees of the Philosophian Institute of the County of Cannon," and shall have perpetual succession, and be capable in law or otherwise, to purchase, receive and hold, to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased, for the use and benefit of said Institute, and appropriate, use, and dispose of the same, in such a manner as to them may seem fit and proper, for the use and benefit of said Institute aforesaid; and the said Trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity, in this State or elsewhere.

Philosophian  
Institute.

**Sec. 7.** *Be it enacted,* That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number President, and Secretary and Treasurer of said Board, and to fill vacancies that may happen by death, resignation, or otherwise; but not less than a majority of said Trustees shall constitute a quorum to do business, relating to the interest of said Institute.

**Sec. 8.** *Be it enacted,* That said Board of Trustees shall have such power to make such regulations relative to said Institute and the government thereof, and their own proceedings, as a majority of said Board may deem right and proper; *provided,* they are not inconsistent with the Constitution and laws of Tennessee.

To make rules  
and regulations.

**Sec. 9.** *Be it further enacted,* That there shall be established in the County of Marion, in Tennessee, an institution of learning, having a corporate existence

Squatchee Val-  
ley Academy.

under the name and style of "The Trustees of the Sequatchee Valley Academy."

Elect officers  
and fill vacan-  
cies.

SEC. 10. *Be it enacted*, That the said institution shall be governed by three Trustees, who, and their successors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first Board shall consist of J. M. Anderson, Jesse Pickett, Joshua Easterly. All vacancies that may occur in their body, shall be filled by the Board, and entered upon the minutes; they may elect a President, Secretary and Treasurer; the President shall be one of their own body.

To make rules  
and regulations.

SEC. 11. *Be it enacted*, That said Board shall have power to employ all necessary teachers and fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold such real and personal estate, by purchase, gift or devise, as may be actually necessary for the legitimate purposes of the institution, and sell or exchange the same, as the interests of the institution may require; may sue and be sued, and have a common seal, and may confer, if they think proper, with the teachers, such literary degrees and diplomas, as are usual in academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations, relative to said Academy, not being inconsistent with the Constitution and laws of the State of Tennessee, and of the United States.

May receive  
subscriptions of  
stock.

SEC. 12. *Be it enacted*, That said Board shall have power to receive subscriptions of stock in said institution, in such sums and upon such terms as they shall in their by-laws designate and prescribe, and the property and assets of the institution shall be governed by the Board, under such by-laws and regulations, as they may from time to time establish.

SEC. 13. *Be it enacted*, That, in the conveyance of real estate, or the transfer of claims, or other assets, the name of the President of the Board shall be sufficient, by order of said Board, in each case.

First school  
township, Ma-  
rion County.

SEC. 14. *Be it enacted*, That the Trustees of the first school township, lying in the second and third district in Marion County, be authorized to empower the County Surveyor to ascertain the boundary of said township; the Surveyor to be paid out of the fund arising from the sale of the school land.

SEC. 15. *Be it further enacted*, That the Trustees of said first school township be, and they are hereby, authorized to apply the interest annually accruing on the

proceeds of the school land of said township, in the employment of teachers for said Sequatchee Valley Academy.

SEC. 16. *Be it enacted*, That it shall be the duty of the Trustees of the County Academy of Putnam County, to call upon Isaac Buck, and the Trustees of Andrew College of said County, for the amount of the Academy fund of said County, which has been appropriated to said College, and upon settlement, receive the same from said Buck, or Trustees of said College, with interest thereon, and appropriate the same to said Academy as other Academy money; and, in case said Buck and Trustees shall fail or refuse to pay the same, they are directed to sue for the same.

SEC. 17. *Be it further enacted*, That Thomas B. Crenshaw, Wm. Wash, Wm. H. Chambers, Henry Owen, and F. P. Thomas, and their successors in office, are hereby constituted a body politic and corporate, under the name and style of "The Trustees of the Morning Sun Academy;" and by that name and style, shall have power to sue and be sued, plead and be impleaded, in any court of law or equity in this State; to have a common seal, and be capable, in law or otherwise, to purchase, receive, and hold, real, personal, or mixed estate, by purchase, devise, or otherwise, and to exercise all the rights and privileges secured to corporations of this character, by the laws of this State, not inconsistent with the Constitution and laws of the State of Tennessee, or of the United States.

Morning Sun  
Academy.

SEC. 18. *Be it further enacted*, That the foregoing sections of this act, incorporating the Winchester Male and Female Academy, shall apply to the Trustees of the Morning Sun Academy.

SEC. 19. *Be it further enacted*, That the funds of the Sam. Houston Male Academy, in the County of Marion, be equally divided with the the Jasper Female Institute, at Jasper, and that said Jasper Female Institute shall have equally or jointly, the funds now on hand, or any moneys hereafter to be drawn from the Treasury of the State, for the use of said Sam. Houston Academy.

Sam. Houston  
Academy.

SEC. 20. *Be it further enacted*, That, for the purpose of carrying into effect the division of the fund aforesaid between the two schools, and its application to the uses of said school, that George W. Rice, David Rankin, William S. Griffith, Jackson Prior, John T. Read, William A. Hargis, and Green H. Pryor, being the present Trustees of the Jasper Female Institute, and the first five above mentioned Trustees of Sam. Houston Male Academy are hereby appointed, jointly, Trustees of

Divide Academy fund with  
Jasper Female  
Institute.

said schools, with all the rights and powers in their articles of association of the Jasper Female Institute, and the existing laws of the State as to said Sam. Houston Academy.

SEC. 21. *Be it further enacted*, That the joint Trustees aforesaid may, if they deem it expedient, sell and dispose of the present lot and buildings of the Sam. Houston Academy, and to convey the same, and thereto apply the proceeds to the purchase of another site, and the erection of buildings thereon, or apply the same in the construction of the Female Institute now progressing, and provide for a male school in said building.

Jasper Male  
and Female In-  
stitute.

SEC. 22. *Be it further enacted*, That said Trustees are hereby constituted a body politic and corporate, by the name and style of "The Jasper Male and Female Institute," and shall have perpetual succession, and be capable in law, to purchase, receive, and hold, to themselves and their successors, any lands, tenements, goods, and chattels, which may be given, granted, or devised, to them, or purchased for the use and benefit of said institution, and to appropriate and dispose of the same, in such manner as to them may seem fit and proper, for the use and benefit of said institution; and the said Trustees, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity, in this State or elsewhere.

Election of of-  
ficers.

SEC. 23. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such times as may be agreed upon from time to time by a majority of the Board of Trustees aforesaid, to elect a President of said institution, Secretary and Treasurer, from their own body, and to fill all vacancies that may happen by death, resignation, or otherwise; but not less than a majority of the Board of Trustees aforesaid, shall constitute a quorum to transact any business relating to the management or government of said schools.

SEC. 24. *Be it further enacted*, That said Trustees may have a common seal, and may, if they think proper, in conjunction with the teachers, confer such literary degrees and diplomas, as are usual in Male and Female Academies, and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said institution, not inconsistent with the Constitution and laws of the State of Tennessee, or of the United States, and shall have further power to prescribe the course of studies of the students in said schools, and to suspend, reprimand, dis-



miss or expel, any student for violations of the by-laws of the same.

SEC. 25. *Be it further enacted*, That W. H. Gordon, W. Wheless, John H. Fisher, H. K. Walker, L. H. Hitchcock, and the subscribers to the stock of the Company are hereby incorporated as a body politic and corporate, by the name of "The Eureka Insurance Company of Nashville," and by that name shall continue for ninety-nine years. Eureka Insurance Company.

SEC. 26. *Be it enacted*, That the provisions of the first twenty sections of the act of 1853, chapter 159, entitled "An act to incorporate the Nashville Commercial Insurance Company," be, and they are hereby, applied to the Eureka Insurance Company, and that they are hereby invested with all the rights and privileges, and subject to all the liabilities and restrictions, contained in the portion of said act above referred to.

SEC. 27. *Be it further enacted*, That Uriah York, and such other citizens of Van Buren County, as may unite with him, are hereby incorporated, to establish a Female College in Spencer, in said County; may sue and be sued, hold property, real and personal, contract and be contracted with, make such rules and regulations, not inconsistent with the Constitution, as may be necessary to promote and carry out this act. Uriah York College.

SEC. 28. *Be it enacted*, That said Company shall have power to appoint Trustees for said College, and may open books under the superintendence of any person they may see proper to appoint, and receive subscriptions in shares of twenty-five dollars, for a sufficient sum to erect buildings for said Female College, and shall be at liberty to do all things necessary to carry out the objects of this act, and give the institution such name as they may think appropriate.

SEC. 29. *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 119.

AN ACT to amend the Charter of the City of Nashville, and to amend the 11th section of the act of 1851, chapter 13, entitled "An act to incorporate the City of Chattanooga, and for other purposes," passed the 11th of November, 1851; and to incorporate the Sumner Cashmere Company; and also to incorporate the town of Bristol, in Sullivan County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the city of Nashville be, and they are hereby, empowered to provide, by ordinance, for the appointment of Deputy Marshals, and require them to give bonds, execute process, and perform any other legal duties.

Tax slaves.

SEC. 2. *Be it enacted*, That they are hereby authorized to tax the slaves of any person or persons hired in the city, or doing their labor therein as a regular employment.

Tax for improving streets.

SEC. 3. *Be it enacted*, That said Board of Mayor and Aldermen shall have power, by resolution or ordinance, to levy a tax upon the lots on both sides of any street or part of a street, where they may deem such improvement needed, so far as the improvement extends, for the purpose of making sewers or paying for grounds, and damages to be taken for or caused by widening said street, or part thereof, in such manner, and to such extent, as they may think best calculated to benefit all parties concerned.

Tax not to exceed ten per cent.

SEC. 4. *Be it enacted*, That said tax shall be a lien upon the lots from the date of the passage of the resolution or ordinance fixing the same, and shall be enforced and collected as other corporation taxes: *Provided*, that no property shall be subject to a tax of more than ten per cent. upon its value for either one of such improvements.

Power to appropriate ground.

SEC. 5. *Be it enacted*, That said Board of Mayor and Aldermen shall have power and authority to take any appropriated ground for widening streets, or parts thereof, or for laying out new streets, where the public convenience requires, in the same way, and with the same restrictions that the Nashville and Chattanooga Railroad Company is authorized to do for the purpose of constructing its road, by act of 1845, chapter 1, section 24.

Chattanooga.

SEC. 6. *Be it enacted*, That the 11th section of the act of 1851, chapter 13, entitled "An act to incorporate the city of Chattanooga, and for other purposes," passed the 11th November, 1851, be so amended as to read, "The City Council of Chattanooga shall have power to erect a lock-up house or calaboose, for the safe-keeping of prisoners; and where any person convicted of a violation of any ordinance of said corporation, and fails or re-

fuses to pay, or secure to be paid, the fine and costs accruing thereon, the Mayor and Aldermen may provide, by ordinance for their confinement in such lock-up house, until the fine and costs are paid, or until they are regularly discharged by an oath of insolvency, first giving the Mayor ten days' notice in writing of such intention; or any person or persons so convicted of a violation of any ordinance of said corporation, may be compelled to work upon the streets of the city of Chattanooga, or do any other work within said city, required by the authorities thereof, at the rate of not less than one dollar per day, until the fine and costs are paid.

SEC. 7. *Be it further enacted*, That James B. Davis, Scott Davis, Robert Williamson, Luke D. Adams, and William C. Knight, are hereby constituted a body politic and corporate, by the name and style of the Sumner Cashmere Company, for the purpose of buying, raising, and propagating the Cashmere Shawl Goat, and crossing the same upon the native goat, and shall have succession for the term of ninety-nine years. Said Company may, in their corporate name, sue and be sued, and shall have all the rights, privileges, and powers conferred by law upon bodies politic and corporate.

Sumner Cash-  
mere Company.

SEC. 8. *Be it enacted*, That the capital stock of said Company shall be five thousand dollars, with the privilege of increasing it to any amount that may be deemed necessary by the Company for the purposes of its creation; which capital stock shall be divided into shares of one hundred dollars.

Capital stock.

SEC. 9. *Be it enacted*, That said Company shall have power to purchase and hold, in their corporate name, such real estate as may be necessary in propagating said Cashmere Shawl Goat.

SEC. 10. *Be it enacted*, That said Company may enact such by-laws, rules, and regulations for the government of its members, the paying in of stock, raising, selling, and the farming out of the goat, as may be necessary, if not inconsistent with the Constitution and laws of the State.

SEC. 11. *Be it further enacted*, That the town of Bristol, in the County of Sullivan, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Bristol, and shall have perpetual succession; by their corporate name, may sue and be sued; plead and be impleaded; grant, receive, purchase, and hold real, mixed, and personal property, or dispose of the same for the benefit of said town; and may have and use a town seal.

Town of Bristol.

**SEC. 12.** *Be it enacted,* That the corporation aforesaid shall have full power and authority, to enact and pass such laws and ordinances necessary and proper to preserve the health of the town; to prevent and remove nuisances; to provide for licensing and regulating auctions, taxing, regulating, or restraining theatrical or other public amusements and shows within the bounds of the corporation; to restrain and prohibit gambling; to establish night watches and patrols; to ascertain, when necessary, the boundary and location of streets, lanes and alleys, with the consent of the proprietors of the lots of houses adjoining such streets, lanes and alleys; to have and keep in repair the streets; to pass all laws necessary for the same; to establish necessary inspections within the town; to enact and regulate markets; to provide for the establishment and regulation of a fire company, and sweeping of chimneys; to provide water by the digging of wells or otherwise; to erect and regulate pumps; to impose and appropriate fines, penalties, and forfeitures, for a breach of the by-laws or ordinances; to appoint a Recorder; to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect: *Provided,* they are not incompatible with the Constitution and laws of this State.

**SEC. 13.** *Be it enacted,* That all fines, forfeitures, and penalties imposed by the by-laws and ordinances of said corporation, and all debts due the same, shall be recovered by action of debt before any jurisdiction having cognizance thereof.

**SEC. 14.** *Be it enacted,* That the Sheriff of Sullivan County, after ten days' previous notice, shall, by himself or one of his deputies, hold an election in the town of Bristol, on the first day of May, one thousand eight hundred and fifty-six, and on the same day in each and every succeeding year, for the purpose of electing seven persons to serve as Aldermen, and one person for Mayor, and one other person for Town Constable, for the corporation of said town of Bristol for one year, commencing on the first Monday next succeeding their election; and all persons living within the limits of said corporation, who would be qualified to vote for members of the General Assembly, and persons owning a free-hold in the bounds of said corporation, shall be entitled to vote for Mayor, Aldermen, and Town Constable, for said corporation; and no person shall be eligible for the office Mayor, or Alderman, or Town Constable, unless he be

Election for  
Mayor, &c.

a citizen, or a free-holder, or house-holder, in the town of Bristol; and in case of death, removal, or resignation of any one of the officers of said corporation, the said Mayor and Aldermen shall have power to fill such vacancies for the time unexpired. To fill vacancies.

SEC. 15. *Be it enacted*, That the several persons so qualified as aforesaid, having the highest number of votes at any election held, shall be taken as duly elected, and the Sheriff or Deputy holding the election as aforesaid, shall, within three days thereafter, give to each of the seven Aldermen, Mayor, and Town Constable, a certificate of their election; and it shall be the duty of the persons so elected, to meet at the town of Bristol, on the next succeeding Monday after their election, and after having been qualified, the Mayor and Alderman, five of whom shall constitute a quorum, shall proceed to elect a Recorder for said corporation, for the same time for which the Mayor and Aldermen were elected, as aforesaid, and the person or persons appointed by them shall serve until the first Monday in January next succeeding.

SEC. 16. *Be it enacted*, That the Mayor and Aldermen of said town shall, before entering upon the duties of their appointment, take an oath before some Justice of the Peace for Sullivan County, to faithfully, uprightly, and honestly, demean themselves as Mayor and Aldermen of said corporation during their continuance in office. To take oath.

SEC. 17. *Be it enacted*, That the Town Constable so elected by said votes, shall continue in office twelve months from the time of his appointment, and shall, before entering upon the duties of his office, give bond and sufficient security to the Mayor for the time being, for the faithful discharge of the duties of his appointment, and accounting for all moneys by him collected.

SEC. 18. *Be it enacted*, That when any tax or duty shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there shall not be any personal property of the owner of said lots or other real estate within the bounds of said corporation, upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the Circuit Court of Sullivan County, at the same town to which the Sheriff of said County is required to report lands in his County, on which the State and County tax have not been paid; and upon said report, at said term, it shall be the duty of said Circuit Court to enter up judgment for the tax due said corporation, in the same man-

ner that judgments are required to be entered for the non-payment of the tax due the State and County upon lands lying within the County; and the same shall be sold at the same time and in the same manner, and subject to the same rules, regulations, and restrictions, that are by law required for the sale of lands lying within said County; on which the State and County tax have not been paid; which tax, when collected by the Sheriff, shall be paid by him into the hands of the Town Constable, for the use of said corporation; which sale, when in the manner aforesaid made, shall vest the same right and title in the purchaser, as if the sale had been made for the taxes due the State.

SEC. 19. *Be it enacted*, That the Sheriff of Sullivan County shall, previous to holding an election for Mayor and Aldermen, and Town Constable, as provided in the fourteenth section in this act, appoint three respectable citizens in the town of Bristol, who shall act as judges of said election, one of whom shall act as clerk of said election.

SEC. 20. *Be it enacted*, That if any Sheriff should fail or neglect to hold an election for the aforesaid officers, on the first Monday in May, in each and every year, he may, at any time thereafter, open and hold an election for the aforesaid officers, by first giving ten days' previous notice of said election for the balance of the unexpired year.

SEC. 21. *Be it enacted*, That the corporate limits of said town of Bristol shall be as follows:—Beginning at or near a sycamore tree on the Virginia line; thence south 30, east one hundred and fifty poles; thence north 56, east one hundred poles; thence north 34, west one hundred and forty poles to the Virginia line; thence north 23, east one hundred and three poles; thence due west one hundred and twenty poles; thence south 23, west to the State line.

SEC. 22. *Be it enacted*, That the Constable shall pay over monthly to the Recorder all sums of money collected by him for said corporation, and the Recorder shall render semi-annually, on the last Saturday of June and the last Saturday in December, in each year, and as much oftener as the Board of Mayor and Aldermen shall require, a full and complete statement of the finances under his control, and that the Recorder shall exhibit to the Board semi-annually, on the last Saturday in June and December, in every year, a full and complete statement of the condition of the finances of said corporation; he shall, also, within thirty days from the time of assessing the taxes of said corporation, deliver

to the Town Constable a tax list, which shall be the authority of said Constable for collecting the taxes therein specified, and the Recorder shall preserve a copy of the said tax list among the papers of said corporation. No money shall be paid out except by the Recorder, and, in no instance, shall the Recorder do so, except upon the order of the Mayor, made in pursuance of the directions of the Board of Aldermen. At the expiration of his term of office, the Recorder shall deliver to his successor all books and papers, and take his receipt for the same.

SEC. 23. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 120.

**AN ACT** to aid in constructing a Railroad from Chattanooga to the East Tennessee and Georgia Railroad in the direction of Knoxville; and for the benefit of the East Tennessee and Virginia Railroad; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be, and he is hereby, directed for, and on behalf of, the State to endorse and guarantee the payment of the six per cent. bonds of the East Tennessee and Georgia Railroad Company, to the amount of one hundred and fifty thousand dollars; and also similar bonds of the Nashville and Chattanooga Railroad Company, for the sum of one hundred and fifty thousand dollars; the said bonds, or the proceeds thereof, to be applied exclusively towards the construction of a railroad from Chattanooga to an intersection with the East Tennessee and Georgia Railroad, in the direction of Knoxville, to be made and operated as a branch, or part of the said East Tennessee and Georgia Railroad. And, upon the making of such endorsement by the Governor, the State shall thereupon, by virtue of this act, be invested with a lien upon said branch road, with all its fixtures and appurtenances; and shall have the same remedies for enforcing said lien as are given by law for enforcing the lien against the Nashville and Chattanooga Railroad Company, for similar endorsements heretofore made.

*Lien reserved  
to State.*



President to file  
affidavits.

SEC. 2. *Be it enacted*, That before the Governor shall make such endorsement, he shall require the President of the East Tennessee and Georgia Railroad Company to make and file in the office of the Secretary of State an affidavit, sworn to before some Judge of the State, or Justice of the Peace for Knox or Davidson Counties, declaring that such bonds, or the proceeds thereof, shall be in good faith applied to the construction of the proposed railroad, from Chattanooga to the East Tennessee and Georgia Railroad, and to no other use or purposes whatever.

R. T. & V. R. R.

SEC. 3. *Be it enacted*, That the Governor of the State of Tennessee is hereby authorized and required to endorse and guarantee, in the name, and on behalf of, the State of Tennessee, the bonds of the East Tennessee and Virginia Railroad Company, to any amount not exceeding the sum of two hundred thousand dollars, bearing interest at the rate of six per cent. per annum, and payable thirty years after date: *Provided always*, that the endorsement of said bonds by the Governor, shall, *ipso facto*, constitute a lien upon the road, fixtures, and whole stock of the company, in addition to the lien heretofore secured by law.

Lien secured.

Bond not to be  
sold below  
par.

SEC. 4. *Be it enacted*, That the bonds of the East Tennessee and Georgia Railroad Company, and the Nashville and Chattanooga Railroad Company, to be endorsed, under the provisions of this act, shall in no instance be sold at less than par.

Sinking fund  
provided for.

SEC. 5. *Be it further enacted*, That it shall be the duty of the several Railroad Companies in this State, who have received, or may hereafter receive, bonds of the State, or the endorsement of their bonds by the State, to aid in the construction of their several roads, under the provisions of the act of 1851-2, and the acts amendatory thereto, at the expiration of five years from the issuance or endorsement of their said several bonds, annually to set apart, and pay over to the Treasurer of the State, two per cent. per annum upon all bonds which have been, or may hereafter be, issued or endorsed, as aforesaid, as a sinking fund for the ultimate redemption of the bonds issued or endorsed as aforesaid; which sinking fund, when paid over, the Governor, Comptroller of the Treasury, and President of the Bank of Tennessee, shall invest in bonds of the State, and reinvest all accruing interest in like securities; and they are hereby constituted a Board of Commissioners for the management, government, and control of said sinking fund.

SEC. 6. *Be it further enacted*, That should any of said

Railroad Companies fail or refuse to comply with the provisions of the fifth section of this act, it shall be the duty of the Governor forthwith to notify the Attorney General of the district, in which is situated the place of business of said Company failing or refusing, as aforesaid, of the fact; and thereupon the Attorney General shall immediately proceed against said Company, to collect said sinking fund, in the manner prescribed in the sixth section of an act entitled An Act to establish a system of internal improvements in this State, passed February 11, 1852.

SEC. 7. *Be it enacted*, That for the purpose of aiding the Nashville and North-Western Railroad Company in the construction of bridges on their said road, across the North and Middle Fork of Obion River, Spring Creek, Big Sandy, Turnbull, and Harpeth River; and for the purpose of aiding the Mobile and Ohio Railroad Company, in the construction of three bridges across the two forks of Obion, three forks of Forked Deer and Muddy Rivers; that coupon bonds of the State of Tennessee issue to the Nashville and North-Western Railroad Company, in an amount not exceeding one hundred thousand dollars, fifty thousand dollars of which shall be applied to aid in constructing bridges in West Tennessee, and fifty thousand (being balance of said one hundred thousand) dollars, to aid in constructing bridges across Turnbull and Big Harpeth in Middle Tennessee; also, that coupon bonds of the State of Tennessee shall issue to the said Mobile and Ohio Railroad Company, in an amount not exceeding sixty thousand dollars, for the purpose of aiding in building the aforesaid bridges, and that said bonds issue in both cases upon the conditions, and under the rules and regulations and restrictions, prescribed by the second section of an act passed 8th day of February, 1854, entitled An act to amend an act to establish a system of internal improvements in this State, passed 11th day of February, 1852.

SEC. 8. *Be it further enacted*, That for the purpose of aiding the Memphis and Ohio Railroad Company in the construction of their bridges across the north fork of Forked Deer, and the two Obion Rivers, on the line of said railroad, between Trenton and Paris, that coupon bonds of the State of Tennessee, in an amount not exceeding fifty thousand dollars, issue to said company, upon the terms and conditions that State aid is now granted to said company, to construct their bridges across Forked Deer: *Provided*, said bond shall not issue until said railroad is graded from Trenton to the Carroll County line in the direction of Paris.

Winchester and  
Alabama R. R.

Bridge Aid.

**Sec. 9. *Be it further enacted,*** That whenever the Winchester and Alabama Railroad Company shall grade that part of their road, which lies between the town of Fayetteville, in Lincoln County, and the point of intersection with the main trunk line; that coupon bonds of the State of Tennessee shall issue to said Company, in an amount not exceeding fifty thousand dollars, to aid said Company in the construction of bridges across Elk River and its tributaries, which runs between the points aforesaid, under the same rules, regulations, and restrictions, and upon the conditions prescribed in the first section of this act.

Memphis bonds  
to be endorsed.

**Sec. 10. *Be it further enacted,*** That the State of Tennessee does hereby guarantee and warrant, the payment of the principal and interest of three hundred and fifty bonds, each for the sum of one thousand dollars, payable at thirty years, and bearing six per centum per annum interest, issued, or to be issued, by the city of Memphis, and paid to the Memphis and Little Rock Railroad Company, in payment for the stocks of said city, taken and held in the capital of said Railroad Company.

Form of en-  
dorsement.

Memphis and  
Little Rock R.  
R. Co. to en-  
dorse.

Security to be  
given.

**Sec. 11. *Be it enacted,*** That it shall be the duty of the Governor of this State, as soon as said bonds, or any of them, are presented to him, to endorse thereon and attest with the State seal, the following endorsement, to wit:—"The payment of the principal and interest of this bond is guaranteed by the State of Tennessee;" and he shall sign said endorsement with his official signature; and said endorsement shall bind the State of Tennessee: *Provided*, that the said Memphis and Little Rock Railroad Company, shall first endorse each of said bonds guaranteeing the payment of the principal and interest of the same: *Provided further*, that the city of Memphis shall first, by its proper authorities, execute a mortgage, giving to the State of Tennessee a priority of lien on the stock and interest of said city in said Railroad Company; *and provided further*, that said Railroad Company shall give to the State of Tennessee a prior lien upon the whole of the iron and equipments upon the first division of the said road, extending from Memphis to the St. Francis River, in Arkansas; *and provided further*, that the said bonds, when so endorsed by this State, shall not be sold for a less value than the bonds of the State are required by law, in such cases, to be sold.

**Sec. 12. *Be it further enacted,*** That the said city bonds shall not be so endorsed until the proper authorities of the city of Memphis shall provide and set apart

a fund, known as a sinking fund, out of which shall be paid, over and above the six per cent. interest, two per centum per annum on the said three hundred and fifty bonds, or so many of them as may be endorsed by the State, commencing five years from this date.

Sinking fund to be set apart.

SEC. 13. *Be it enacted*, That the Governor is hereby authorized and directed to issue coupon bonds of the State of Tennessee, to the amount of thirty thousand dollars, to the President and Directors of the McMinnville and Winchester Railroad Company, to be used by them in constructing bridges over the Barren Fork of Collins River, Hickory Creek, and Duck River, all of said road being now graded, and the tract in part laid down: *Provided*, that upon the making of such endorsement by the Governor, the State shall thereupon, by virtue of this act, be invested with a lien upon said road, and all its fixtures: *Provided*, that the bond that may be issued or endorsed by the State, under the provisions of this act, shall not be sold for a less amount than their par value, except the bond endorsed for the East Tennessee and Virginia Railroad Company. This act shall take effect from and after its passage.

McMinnville and Winchester R. R.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 21, 1856.

## CHAPTER 121.

AN ACT to charter the Strawberry Plains, Dandridge, and Newport Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a Company is hereby authorized, for the purpose of constructing a Railroad, McAdamized Turnpike or Plank Road, from Strawberry Plains, *via* Dandridge, to Newport, or the nearest point of intersection, with the Cincinnati, Cumberland Gap, and Charleston Railroad, *via* Dandridge; which Company, shall consist of Stockholders, and when formed, shall be a body corporate, by the name and style of the "Strawberry Plains, Dandridge and Newport Branch Road Company," which Company shall have the privilege of constructing between said places, or the nearest point of intersection, with the Cincinnati,

Cumberland Gap, and Charleston Railroad, either a railroad for steam or horse-power, McAdamized turnpike or plank road, as they may deem most practicable.

SEC. 2. *Be it enacted*, That if said Company shall determine to construct a railroad, they shall have, enjoy, possess and exercise, all the rights, powers, privileges and franchises, so far as the same are practicable, which the East Tennessee and Virginia Railroad has, by the terms of an act passed 27th January, 1848, entitled An act to incorporate the East Tennessee and Virginia Railroad Company," and be subject to the same liabilities, and restrictions therein imposed: *Provided*, that the prohibitions against granting a charter for any parallel road, shall not be applicable to this charter; and *provided further*, that each shareholder shall be entitled to as many votes as he has shares.

Capital stock.

SEC. 3. *Be it enacted*, That the capital stock of said Company, if it be determined to build a railroad, shall be two hundred thousand dollars, to be divided into shares of twenty-five dollars, and Thomas Springfield, F. A. Butler, A. K. Meek, Robert Martin, James A. Caldwell, M. J. Parrott, James McCampbell, William Hudson, Capt. John Mount, Isaac Alderson, James F. Gass, Theodore J. Bradford, Col. Samuel Fain, John Roper, Col. James Bradford, James Mitchell, Gen. William R. Caswell, Shade Inman, A. Cowan, Capt. George W. Elliott, Harry Carson, George S. Eckle, Esq., Maj. L. D. Franklin, Wm. Wilson, Dr. James Rankin, Gen. Alexander, E. Smith, A. J. Fletcher, Col. John Stuart, and William Robinson, be, and they are hereby, appointed Commissioners, who may, at such times and places, and upon such terms as they think proper, open books for subscription of said stock, who shall, as to this road, in all respects, have the power, and perform the duties prescribed for the Board of Commissioners of the East Tennessee and Virginia Railroad Company, so far as they are applicable to this road; and whenever the number of four hundred shares are subscribed, the Company shall be considered as formed, as having a corporate existence as aforesaid, and the Board of Commissioners may proceed to survey the road or route of the road, and make an estimate of the cost of its construction: and when six hundred shares shall have been subscribed, the Board of Commissioners shall appoint a time for the Stockholders to meet at Dandridge for the purpose of electing a President and six Directors, to manage the affairs of the Company; the President shall be elected as the other Directors are, by a direct vote of the Stockholders.

Election, &c.

**SEC. 4.** *Be it enacted,* That the Board of Directors may call for the payment of stock subscribed, in sums not exceeding five dollars on the share, in every sixty days, and to enforce its payment, the same remedy is given as in the act aforesaid. Call of stock.]

**SEC. 5.** *Be it enacted,* That if the above named Commissioners shall not determine to avail themselves of the provisions of the foregoing charter, the said Commissioners shall have the privilege of forming a company for the purpose of making a Turnpike, McAdamized, or Plank Road, as they may deem proper or expedient, and avail themselves of the provisions of an act passed February 7, 1850, entitled An act to authorize the formation of turnpike companies; and after said company shall be organized, they shall proceed to lay off said road on the nearest, best, and cheapest route, from the town of Strawberry Plains, by Dandridge, to Newport, or the nearest point of intersection with the Cincinnati, Cumberland Gap, and Charleston Railroad.

**SEC. 6.** *Be it enacted,* That the formation of a company, to be called the Little Doe and Bones' Creek Turnpike Company, is hereby authorized, which, when formed, shall be a body politic and corporate, by the name and style aforesaid, for the purpose of opening and constructing a turnpike road, and to be capable to do all lawful acts properly incident to a corporation. Little Doe and  
Bones' Creek  
Turnpike Co.

**SEC. 7.** *Be it enacted,* That books for subscription of three hundred shares, of twenty dollars each, shall be opened on the first Monday in June next, and to be kept open in the same manner as provided for in the act passed February 4, 1848, in that portion of said act which applies and pertains to the Johnson and Carter turnpike company.

**SEC. 8.** *Be it enacted,* That the said books shall be opened by the following Commissioners, and at the following places, to wit:—At Frederick Slimp's Store, by Jacob Wagner, Jr., James Brown, Frederick Slimp, and John H. Vaught; at Ezekiel Smith's Store, J. K. Bradley, Andrew T. Smith, Joseph Wagner, of Johnson County, and William Lewis, of Carter County; at the residence of Michael Smithpeters, by Michael Pearce, of Carter County, David Smithpeters, Samuel Howard, and David D. Stout; at G. H. Shown's Store, by Abraham Law, James W. Wright, G. H. Shown, and John M. Roberts; at Taylorsville, by James Keys, H. L. Johnson, R. R. Butler and D. D. Duff.

**SEC. 9.** *Be it enacted,* That said Commissioners shall proceed in the same manner, have all the rights, powers, and privileges, and be subject to the same restrictions



and liabilities, as are provided and prescribed in the 11th, 12th, 13th, 14th, and 15th sections of the act passed February 4, 1848, chapter 214, in respect to, and incorporating the Johnson and Carter Turnpike Company, not inconsistent with the foregoing provisions of this act; and said Company to have the time of five years, to open and complete said road, after the passage of this act.

SEC. 10. *Be it enacted*, That said road shall be opened to run from some point at or near Taylorsville, commencing on the Taylorsville turnpike road, and to be laid out, to run the nearest, best, and most practicable route to the Carter County line, in the direction of Elizabethton, with the privilege to intersect with the Johnson and Carter turnpike road, or the road chartered by an act passed February 4, 1848, authorizing Carrick W. Nelson, of the County of Carter, to open and construct a turnpike road, as a majority of those authorized to lay out said road, may deem most expedient and practicable.

SEC. 11. *Be it enacted*, That William J. Baker, James Rodgers, Wm. Rodgers, J. Mormon, Jos. W. Paxton, John Paxton, Richard O. Curry, C. W. Crozier, James Sawyers, and others, with whom they may chose to be associated, be, and they are hereby, incorporated as a body politic, by the name and style of "The Knoxville Medical Society;" and by that name may sue and be sued, plead and be impleaded. Said corporation shall have all the powers granted to the Medical Society of East Tennessee; also, all the powers granted to the Medical College in the city of Nashville, passed the 13th November, 1849. Said corporation shall have the usual powers granted to such corporations to pass by-laws, and shall have power to confer degrees, and shall have succession for the term of ninety-nine years: *Provided*, that nothing in the foregoing act shall be so construed as to entitle the road, herein incorporated to State aid.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

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## CHAPTER 122.

AN ACT to establish the County of Cheatham.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new County shall be established, to be known and distinguished by the name of Cheatham, to be composed of parts of the Counties of Davidson, Robertson, Montgomery, and Dickson; Boundaries, beginning at a point in a line dividing the Counties of Robertson and Montgomery, eleven miles north of the mouth of Harpeth River, the above point being on James W. Moody's plantation, a south-west direction from his dwelling; running thence west, two and a half miles, to a post oak and black gum, marked with the letters, M. C.; thence south, forty degrees west, crossing the stage road leading from Nashville to Clarksville, at two miles, two hundred and four poles, and crossing Cumberland River, in all six and one-half miles, to the south bank of said river; thence up the said river, with its meanders, to the mouth of Barton's Creek; thence up said Creek, with its meanders, to the mouth of the Barren Fork of said creek; thence up said creek, with its meanders, to the road leading from Clarksville to Charlotte, by the road; thence a due south course four and three-quarters miles, to a point in the Dickson County line; thence east with said line one mile, to a large dead red oak, and pointers one-half mile north of the Family Forge; thence south seventy-two degrees, east crossing said Barton's Creek at one hundred and twenty poles, and the road leading from said forge to Weakley's Ferry, at one mile and one hundred and twenty poles, and the road leading from said ferry to Cumberland Furnace, at three miles and ninety poles, and crossing Johnson's Creek, at five miles and sixty-eight poles, continued, in all seven miles, to three hickories on the east side of a hill; thence south forty-seven degrees, east crossing the road leading from Charlotte to the mouth of Harpeth River, at ninety-eight poles, and crossing said Harpeth River, at one mile, one hundred and twenty poles, and again at two miles and eighty poles, and again at three miles, one hundred and four poles, about ten poles above the mouth of Mann's Creek; thence south, from the mouth of Mann's Creek with the Davidson County line, seven and a half miles to the Charlotte turnpike; thence east, with the pike, ten miles to a stake; thence north, in a direct line until it intersects the original line of Cumberland County heretofore established, of which this is in lieu; thence north twenty-one degrees, east crossing Big Marrow-bone, at five miles and

sixty-eight poles, continued, in all, six miles to a chestnut and poplar east of the north fork of said creek; thence north, five degrees, west crossing the stage road from Nashville to Clarksville, at two miles and eleven poles, and the road by the Pinnacle Bluff, on Sycamore Creek, at three miles, one hundred and fifty-one poles, and continued, in all, five miles and sixty-eight poles, to a beech on the south bank of Sycamore Creek; thence down said creek, with its meanders, to the mouth of Hollis' Mill Creek; thence up said creek one hundred and forty poles, to the mouth of Jackson's Branch; thence up said branch three-quarters of a mile to a sugar-tree and hickory standing at the mouth of Edward Smith Church's Spring Branch; thence north seventy-three and one-half degrees, west two miles and thirty-four poles, to a small black walnut and red oak standing on the east side of the road leading from Springfield to the mouth of Harpeth; thence a direct course to a point one-half mile east of the point of beginning; thence west to the beginning.

Court to be held  
at Sycamore  
Mills.

SEC. 2. *Be it enacted*, That, for the due administration of justice, the different courts to be holden in said County of Cheatham, shall be holden at Sycamore Mills, in the County of Cheatham, until the seat of justice for said County shall be located, and a suitable house erected for that purpose. The County Court in the intermediate time, shall have full power to adjourn to such other place in said County, as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice, whenever, in their judgment, the necessary arrangements are made; and all writs and other precepts returnable to either place, shall, and may be, returned to the place where said courts may have been moved by the County Court aforesaid; and the said courts to be holden in and for said County of Cheatham shall be under the same rules, regulations, and restrictions, and shall have, hold, and exercise, and possess the same powers and jurisdictions, as are possessed by said courts in other counties in this State.

Person to be  
appointed to  
hold election.

SEC. 3. *Be it enacted*, That all officers, civil and military, in said County shall continue to hold their offices, and exercise all the powers and functions thereof, until others shall have been elected under the provisions of the Constitution and law made in pursuance thereof; and it shall be the duty of the County Court of Cheatham County, at their first term, to appoint some suitable person to open and hold elections in each civil district in said County, on the 15th day of May, 1856, for the pur-

pose of electing County officers ; which election shall, in all respects, be conducted agreeably to the existing laws regulating elections in other Counties in this State. The officers so elected shall have the same jurisdiction, powers, and emoluments that the County officers are entitled to under the existing laws ; and the said County of Cheatham shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other Counties in this State: *Provided*, nothing in this act contained shall be so construed as to prevent the Counties of Davidson, Robertson, Montgomery, and Dickson from having, holding, and exercising jurisdiction over the territory composing the said County of Cheatham, and the citizens thereof, in as full and ample a manner as they now have, until the election of County officers: *Provided also*, that nothing in this act contained shall be so construed as to prevent the Counties of Davidson, Robertson, Montgomery, and Dickson from entering up judgments, or the Sheriffs of said Counties from selling under such judgments, any lands within said County of Cheatham, for taxes, costs, or charges, for the present or any preceding year ; nor to prevent the Sheriff of either of said Counties from collecting from the citizens of said County of Cheatham any taxes due for the present or any preceding year.

Taxes—how collected.

SEC. 4. *Be it enacted*, That the citizens of the County of Cheatham, in all elections for Governor, for Members of Congress, and for Members of the General Assembly, shall vote with the Counties from which they may have been stricken off, until the next apportionment of Members of the General Assembly, agreeably to the Constitution.

SEC. 5. *Be it enacted*, That B. F. Binkley, of the County of Davidson, Henry Frey and Wiley Woodward, of the County of Robertson, Pleasant Bagwell, of the County of Montgomery, and Benjamin C. Robertson, of the County of Dickson, be, and they are hereby, appointed Commissioners, a majority of whom are hereby authorized to act ; who shall, on or before the 21st of April, 1856, proceed to fix on a suitable and eligible site for the seat of justice, and for the County Town within three miles of the centre ; at which site the said Commissioners shall procure, by purchase or otherwise, at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warranty, and the said Commissioners shall name the County Town, and report all the proceedings relative to and concerning said

Commissioners appointed to fix County Seat.

County, to the County Court of said County; and it is hereby made the duty of the Clerk to record the same.

Town to be laid  
off.

SEC. 6. *Be it enacted*, That it shall be the duty of the County Court of said County to appoint five Commissioners, to whom the Commissioners appointed by this act shall convey the land acquired for the use of the County aforesaid; on which it shall be the duty of said Commissioners appointed by the County Court, to cause a town to be laid off, with as many streets, and of such width as they may deem necessary, reserving at least three acres for a public square, and a lot sufficient for building a public jail; and the said town, when so laid off, shall be known by such name as may have been given to it by said Commissioners herein appointed.

To sell lot.

SEC. 7. *Be it enacted*, That the Commissioners of said County shall sell lots of said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bond, with good and sufficient security, for the purchase money, payable to themselves and their successors in office, and shall make title in fee simple, as Commissioners, to the respective purchasers thereof.

Public build-  
ings.

SEC. 8. *Be it enacted*, That the proceeds of the sales of said lots shall be a fund in the hands of said Commissioners for defraying the expenses incurred in the purchase of said tract of land, on which the County Seat is located, and also for defraying the expenses of erecting the public buildings.

Court-house,  
jail, &c.

SEC. 9. *Be it enacted*, That said Commissioners shall superintend the building of the court-house and jail, and other necessary buildings, and shall let out such buildings as the County Court in said County shall order to be built, upon such terms and conditions, as the said Court shall direct, and shall take bond, with sufficient security, from the person or persons to whom the same is let, payable to them and their successors in office, for double the sum for which the said buildings were undertaken to be built, conditioned for the faithful performance of his or their contracts.

SEC. 10. *Be it enacted*, That said Commissioners, before they enter upon the duty of their office assigned to them by this act, shall take an oath or affirmation, that they will truly and faithfully execute and perform the different duties by this act enjoined, according to the best of their judgment, and, moreover, shall enter into bonds, with approved security, payable to the Chairman of the County Court of Cheatham County, and his successors in office, in the sum of ten thousand dollars, conditioned for the true and faithful performance of the duty enjoined.

upon them by this act; which bond shall be deposited in the Clerk's office of said County, and shall not be so construed as to make one of the Commissioners security for another.

SEC. 11. *Be it enacted*, That said Commissioners shall keep a fair and regular statement of all moneys by them received and expended; which statement, when required, shall, from time to time, be laid before the County Court; but said Commissioners shall not be called on more than once in each and every year; and when all the public buildings are completed, the said Commissioners shall, by order of the County Court, pay over all surplus money in their hands to the County Trustee, for County purposes, and they shall be allowed by the County Court a reasonable compensation for their services.

SEC. 12. *Be it enacted*, That the Commissioners first appointed by this act shall each receive the sum of three dollars for their services for each and every day they may be absent from home, and necessarily employed in performing the duties required by them in this act, to be paid by said County of Cheatham of any moneys in the Treasury not otherwise appropriated.

SEC. 13. *Be it enacted*, That John M. Joslin, of the County of Davidson, be, and he is hereby, appointed to run and plainly mark the dividing line between the Counties of Davidson and Cheatham; between the Counties of Montgomery and Cheatham; between the Counties of Dickson and Cheatham; and he shall ascertain the number of square miles within the limits of said new County, in accordance with the boundaries as set forth in the first section of this act; and he shall further ascertain whether the line, or any one of them, approach within twelve miles of the County Seats of the old Counties from which said new County is taken, and report the same to the Governor; and he shall have full power to employ chain-carriers, who shall receive a reasonable compensation for their services, to be paid by the said County of Cheatham; and the said John M. Joslin shall receive the sum of four dollars per day for each day he may be necessarily employed in the business required by this act, to be paid by the said County of Cheatham.

Surveyor appointed.

SEC. 14. *Be it enacted*, That the County of Cheatham be, and the same is hereby, attached to the Seventh Judicial Circuit; and the courts thereof shall be held by the Judge of said circuit on the Monday in

, in each and every year, at L. A. Perdue's, in said County of Cheatham, until the seat of justice for said County is established by the Commissioners appointed

by this act, and the erection of a court-house for the same.

Bills filed at  
Clarksville, &c.

SEC. 15. *Be it enacted*, That the suitors in said County of Cheatham may file their bills in the Chancery Court at Clarksville, in the County of Montgomery, in Charlotte, in the County of Dickson, or at Nashville, in the County of Davidson, at their discretion.

SEC. 16. *Be it enacted*, That all appeals, writs of error, and appeals in the nature of writs of error, from the Circuit Courts of said County of Cheatham, shall be taken to the Supreme Court, to be held for the Middle Division at Nashville; that the County Court of said County shall be holden on the first Monday in March next, under the same rules, regulations, and restrictions, as the County Courts of other Counties are held.

Militia.

SEC. 17. *Be it enacted*, That the County of Cheatham shall form one regiment, and said regiment, in all its relations to the militia of this State, shall assume the place of the 160th Regiment, and shall be attached to the 14th Brigade; that the field officers, or officers included in said County of Cheatham, shall meet at the house of John J. Hinton, in said County, on the first Saturday in May next, and divide said regiment into battalions and companies, and provide for electing all officers in said regiment, in the manner pointed out by law.

Election to be  
held in frac-  
tions of old  
Counties.

SEC. 18. *Be it enacted*, That, on the first Saturday in April, 1856, it is hereby made the duty of the Sheriffs of Robertson, Davidson, Montgomery, and Dickson Counties, by themselves and deputies, to open and hold elections for the purpose of receiving the votes of the qualified voters residing in each fraction taken from the several Counties to form the said County of Cheatham; at which election the polls shall be opened at ten o'clock, A. M., and close at 4 o'clock, P. M.; and no person shall vote at said election unless he has resided in the fractions in which he offers to vote, six months immediately preceding the day of said election; and those who wish to vote for the new County, shall put "Cheatham" on their tickets, and those against shall put the words, "Old County" on their tickets; and no vote shall be counted unless the above word or words be upon it; and should any person vote at either of said elections, not being a qualified voter, or residing in the fraction of which he may vote, such offender, on conviction thereof, shall forfeit and pay the sum of twenty-five dollars, to be recovered before any tribunal having cognizance thereof.

SEC. 19. *Be it enacted*, That the election for that frac-



tion which is taken off of Davidson, shall be held at the houses of John Hooper and James M. Lee; for that fraction taken from Robertson, shall be held at Hudgins' Tan Yard; for that fraction taken from Montgomery, at the houses of John H. Atkins' Store and Littleton Perdue; and for that fraction taken from Dickson, shall be held at the house of John J. Hinton.

SEC. 20. *Be it enacted*, That immediately after the elections, the Sheriffs of Davidson, Robertson, Montgomery, and Dickson, shall make returns to the Governor, of a full statement of all the votes, both for and against the establishment of said County of Cheatham; and, if it shall appear that a majority of the qualified voters, voting in each fraction taken from old Counties, to form said new County; and, if it shall further appear, by the report of the said John M. Joslin, that there are within the limits of said new County, three hundred and fifty square miles, and that the lines of said new County as designated in the first section of this act, do not run nearer than twelve miles to the County Seat of the old Counties from which said County of Cheatham is taken; and, if it shall further appear from the returns of said Sheriff, that there is a constitutional number of qualified voters in said County of Cheatham; then the Governor shall forthwith issue his proclamation, setting forth that said County of Cheatham has become a constitutional County; and the same shall be immediately organized, in conformity with this act: *Provided*, that, after a survey of Dickson, it shall be found that there will still remain to Dickson County her full constitutional territory of 625 square miles.

SEC. 21. *Be it enacted*, That the act passed 3d January, 1844, establishing the County of Cumberland be, and the same is hereby, repealed.

SEC. 22. *Be it enacted*, That it shall be lawful for the surveyor to depart from the original line; *provided*, he does not approach nearer than twelve miles of each County Seat.

SEC. 23. *Be it further enacted*, That the County line between the Counties of DeKalb and Warren, be so changed as to embrace the residence and premises of John Martin, Jr., in DeKalb County.

Line changed between DeKalb and Warren Counties.

SEC. 24. *Be it enacted*, That there be a new civil district constituted in the County of McNairy, known as the 16th district, with the following boundary:—Beginning on the south line of the 12th district, at Hardin O'Neal's, running thence, to Hampton's, the south-west corner of the 12th district; thence, west to the Purdy and Jack's Creek Road; thence, north, along the Jack's Creek



1, to John Plunk's, on said road; thence, along said road to the Henderson County line; thence, east, with the Henderson line, to John P. Moses's; thence, south, to A. K. German's; thence, south, to John Canaday's; thence south, to Miles Davis's; thence to Hardin O'Neal's; with election precinct at James Malone's.

Line changed  
between Monroe  
and Polk.

SEC. 25. *Be it further enacted*, That the County line between Monroe and Polk, be so changed as to include all the premises and lands of Burgis Witt in the County of Monroe.

SEC. 26. *Be it further enacted*, That the act to establish the County of Cheatham, be so amended as that the lines of said County, shall be altered as follows, viz: With the proper degrees, so as to strike the mouth of Barton's Creek, in all six miles, and so as not to approach Clarksville at any point nearer than twelve miles; thence, up said creek, with its meanders, to the mouth of the Barren Fork; thence, up the east fork of said Barton's Creek one mile, with its meanders; thence, south, so as not to approach Clarksville nearer than twelve miles; thence south, with the proper degrees east, so as to keep a distance of twelve miles from Charlotte, in all six miles; thence south, with the proper degrees east, so as not to approach said County Seat of Dickson County, nearer than twelve miles, four miles to the County line of Dickson, near the mouth of Mana's Creek; thence south, nine miles, to the Charlotte Turnpike near or at Ben. Anderson's; thence east, with the meanders of said Charlotte pike, ten and one-half miles, so as to run north, will strike the lower point of Green's Island; thence north, in a direct line until it intersects the original line of Cumberland County, heretofore established—of which this is in lieu; thence north twenty-one degrees, east four miles to Marrow-bone Creek.

SEC. 27. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1853.

## CHAPTER 123.

**AN ACT** to amend the charter of the Tennessee and Alabama Railroad Company, and for the benefit of the Mississippi Central and Tennessee Railroad Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Tennessee and Alabama Railroad Company is, hereby, authorized to purchase and hold the entire capital stock of the Franklin Turnpike Company, upon such terms as may be agreed upon between said Railroad Company, and said Turnpike Company.

**SEC. 2.** *Be it enacted,* That, upon said purchase being made by said Railroad Company, the body politic and corporate of the Franklin Turnpike Company, with all its rights, powers, and franchises, and liabilities, according to its original charter, and the amendments thereto, shall continue and be in full force, except as altered by this act.

**SEC. 3.** *Be it enacted,* That the President and Directors of the Tennessee and Alabama Railroad Company, and their successors in office, from and after the purchase herein contemplated, shall be the President and Directors of the Franklin Turnpike Road Company, and shall have, exercise, and enjoy, and be subject to, all the rights, powers, authority, and liabilities, of the former President and Directors of said Turnpike Road Company.

**SEC. 4.** *Be it enacted,* That in all cases where a county, city, or town, has subscribed, or may hereafter subscribe, for stock in any railroad company, and has executed, or may hereafter execute, a bond or bonds in payment of the stock subscribed, if shall be lawful, and power and authority are hereby given, to the railroad company, county, city, or town, to rescind the contract of subscription, upon such terms as may be agreed upon by the parties, in whole or in part, or to make an arrangement by which the railroad company may borrow and use any or all of the bonds upon giving a guaranty against the principal and interest of the bonds, and receiving a release of the subscription of the stock.

County Sub-  
scriptions—how  
annulled.

**SEC. 5.** *Be it enacted,* That the President and Directors of the Railroad Company, the Justices of the County Court—a majority of them concurring—or the Mayor and Aldermen of the city or town, may make the contract or arrangements herein authorized.

**SEC. 6.** *Be it enacted,* That, in case any bond or bonds shall be loaned under any arrangement made under this act, that the county, city, or town, shall have a lien on the

capital stock of the railroad company, to the amount of the bond or bonds so loaned, as a security for the guaranty against the payment of the principal and interest of the bonds.

Big Hatchie  
River.

SEC. 7. *Be it enacted*, That so much of an act passed November 6, 1837, entitled "An act to declare Big Hatchie navigable up to Rosson's Bridge, in Hardeman County," as declares said river navigable for steamboats, above the point where the Mississippi Central and Tennessee Railroad crosses said river, be, and the same is hereby, repealed.

M. C. & T. R. R.  
Co.

SEC. 8. *Be it enacted*, That the Mississippi Central and Tennessee Railroad Company be, and they are hereby, authorized and allowed to construct their bridges across Big Hatchie and Forked Deer Rivers; *provided*, said bridges do not obstruct the navigation of said river for flat-boats, keel-boats, or rafts.

M. & O. R. R.

SEC. 9. *Be it enacted*, That the Mobile and Ohio Railroad Company be, and they are hereby, authorized and allowed to construct their bridges across the Forked Deer and Obion Rivers: *Provided*, said bridges do not obstruct the navigation of said river for flat-boats, or keel-boats.

SEC. 10. *Be it enacted*, That the Memphis and Ohio Railroad Company be, and they are hereby, authorized and allowed to construct their bridges across the several Forked Deer Rivers; *provided*, said bridges do not obstruct the navigation of said rivers for flat-boats, or keel-boats.

Ferry on Ten-  
nessee River.

SEC. 11. *Be it further enacted*, That C. D. Venable and Company are, hereby, authorized to establish a Ferry across the Tennessee River, at or near a point called "The Paris Landing," on said river, about one mile below the mouth of Big Sandy River.

Rate of ferriage.

SEC. 12. *Be it enacted*, That, from the first day of November to the first day of June, the rate of ferriage shall be as follows:—For each man and horse, twenty-five cents; for each horse and buggy, fifty cents; for each two horse wagon or carryall, seventy-five cents; for each four or six horse wagon, one dollar; for each footman, ten cents; for each head of cattle or horses, ten cents; and each head of hogs or sheep, four cents; and that, from the first of June until the first of November, only one half of the above rates shall be charged.

SEC. 13. *Be it enacted*, That so much of an act making Elk River navigable for steamboats, above the the point where the Central Southern Railroad crosses said river be, and it is hereby, repealed.

**SEC. 14.** *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 21, 1856.

## CHAPTER 124.

**AN ACT** to change the name of the Tazewell Academy, and, also, for the benefit of Alexandria Masonic Female Institute, in DeKalb County.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the Tazewell Academy, in the County of Claiborne, be changed, and hereafter known and called by the name of the Tazewell College, as the character of the same, and the degrees of learning taught in that institution, will justify the change from academy to that of college.

**SEC. 2.** *Be it enacted*, That the said Tazewell Academy be, and the name of the same is hereby, changed to the Tazewell College, and shall have the same powers, privileges, and emoluments, that said Academy had, or other colleges in this State may have.

**SEC. 3.** *Be it enacted*, That there shall hereafter be established in the town of Alexandria, DeKalb County, State of Tennessee, an institution of learning, to be known and styled the Alexandria Masonic Female Institute.

Alexandria Ma-  
sonic Female  
Institute.

**SEC. 4.** *Be it further enacted*, That the following named persons, to wit., Thos. J. Sneed, Alfred Bane, John F. Moore, John D. Wheeler, John W. Lucky, Jasep Clark, Thomas Fisher, William Braughton, and William Hall, are, hereby, appointed Trustees for said Institute; and full power is given them to do all things necessary for the welfare and prosperity of said Institute, under the restrictions hereinafter mentioned, until their successors in office are appointed, as is hereinafter specified.

Trustees.

**SEC. 5.** *Be it further enacted*, That the said Institute shall be under the government and control of the afore-said Board of Trustees, and their successors in office, to be appointed by the members of the Alexandria Lodge, No. 175, and in case of a vacancy by death or otherwise, the same shall be filled by the appointment of the

President of the Board, and shall hold his office until his place is filled by the election of the Lodge; and said Trustees, elected as aforesaid, shall have full power to elect professors and teachers for said Institute; and they shall elect one of said professors President of the Institute, and said professor so elected, shall be, *ex-officio*, President of the Board of Trustees, and shall hold his office until a successor is appointed. Said Board shall have full power to enact such ordinances and by-laws, as they may deem best and proper for the efficient regulation and government of said Female Institute, and do whatsoever else they may think promotive of the prosperity and usefulness of said Female Institute, not incompatible with the Constitution and laws of the United States, and of the State of Tennessee.

SEC. 6. *Be it enacted*, That any five of said Trustees, shall constitute a quorum for the transaction of business.

SEC. 7. *Be it further enacted*, That the said Board of Trustees, and their successors in office, elected as above specified, shall be, and they are hereby declared and established to be, a body politic and corporate, with perpetual succession, by the name and style of the Alexandria Masonic Female Institute; by which name and title they, the said Trustees and their successors, shall be capable in law and in equity, to take to themselves and their successors, for the use of said Institute, any estate in lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, will, devise, or bequest, of any person or persons, or bodies politic or corporate, and the same lands, tenements, hereditaments, goods, chattels, moneys, or other effects, to grant, bargain, sell, convey, demise, and place out on interest, or otherwise dispose of, for the use of said Institute, in such manner as may seem to them most beneficial; and by the same name, to sue and be sued, plead or be impleaded, in any court of law or equity, in all manner of suits or actions whatever, and generally, by and in the same, to do and transact all and every the business touching and concerning the premises, as fully and effectually as any natural person, or body corporate, within this State, have power to manage their own concerns.

SEC. 8. *Be it further enacted*, That no misnomer of the said corporation shall defeat any gift, grant, or bequest, to or from said corporation; nor shall any misnomer or non-user of rights, liberties, or privileges, hereby granted to the said corporation, create or cause a forfeiture thereof.

SEC. 9. *Be it further enacted*, That the capital stock

of said corporation shall not exceed fifty thousand dollars, which the Trustees, or any number of them, may own upon such conditions and restrictions as may be agreed upon by themselves; and any portion of said fund may be subscribed as stock, purchased, received as donation, or otherwise, as the Trustees may determine.

SEC. 10. *Be it further enacted*, That the President and Trustees of the Board shall have full power and authority to confer upon any student in said Institute, or upon any other person, such literary degrees, as are or may be known and used in any female institution of learning in any of these United States.

SEC. 11. *Be it enacted*, That the land on which said Institute shall be situated, together with the buildings, school fixtures and appurtenances, of said corporation, shall be exempt from taxation, both for State and County purposes.

SEC. 12. *Be it enacted*, That this act be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 2, 1856.

## CHAPTER 125.

AN ACT to incorporate the Hibernia Mining Company; to incorporate the Otisco Mining Company; to incorporate the Caledonia Iron Company; the Dickson Zinc and Marble Mining and Manufacturing Company; the Glen Alpine Mining and Agricultural Company, of Sevier County, of Tennessee; the Tennessee Nitre and Gun Powder Mining and Manufacturing Company; and the White County Saltpetre Mining and Manufacturing Company, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. R. Proctor, Adna Cushing, George Lawrence, T. H. Callaway, C. L. Idler, Thomas L. Hoyt, Lyman W. Gilbert, and Charles A. Proctor, and their associates, are, hereby, constituted a body politic and corporate, under the name and style of the "Hibernia Mining Company," for the purpose of exploring and mining for copper or other ores and minerals, and for working, smelting, manufacturing, and vending the same; and to continue in existence, to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure; to make such

by-laws, not inconsistent with the laws of this State or of the United States, as it may deem proper and necessary for its government; in its corporate name, to sue and be sued, to plead and be impleaded, to hold, by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts to it: *Provided, always*, that the first cost of such real estate shall not exceed the maximum amount of the capital stock herein provided for.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be five hundred thousand dollars, with liberty to increase the same, as hereinafter provided, to be divided into shares, of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators, at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the Board of Directors may prescribe; the shares shall be considered personal property, and shall be transferable only on the books of the Company, in person or by attorney.

Directors to be chosen.

SEC. 3. *Be it enacted*, That the corporators named in the first section of this act, or any five of them, or their associates, shall be the Directors for the first year, and until others are elected in their stead. The annual meeting of the Company shall be held at such times and in such places, as the Board of Directors may determine from year to year—thirty days' previous notice being given, in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting, a Board of Directors shall be chosen for the ensuing year; but in case of failure to elect a Board of Directors, the Company shall not thereby forfeit its charter, but the same Directors of the previous year, shall continue in office until others are elected in their stead. The Directors shall elect one of their number President, and shall appoint such other officers and agents, as they may deem necessary, and assign them salaries.

Officers' salaries to be fixed.

SEC. 4. *Be it enacted*, That all the Stockholders, not having paid for their stock according to the terms of subscription, shall be liable to the creditors of the Company, to amount so remaining unpaid; and in like manner shall the Directors be liable, individually, for any amount they may declare and pay, or authorize to be paid to the Stockholders, as dividends, when the



Company shall be unable to pay all the debts due by it; to avoid such liability, the dissenting Director shall enter, or cause to be entered, upon the minutes of the Board, his dissent thereto; or not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted*, That said Company may, at its pleasure, and in such form and manner, as the Directors shall elect and declare, increase their capital stock to any amount they may deem advisable, not exceeding two millions of dollars, and said Directors shall have power to sell and dispose of, or take subscriptions, for such additional stock, in such manner and form, at such time and place, and on such terms as they may think proper to order and prescribe; and whenever said Company shall, by purchase, lease, or otherwise, become possessed of any mine or mines, or mineral rights without the limits of this State, the Directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, not less than one hundred thousand dollars, nor more than five hundred thousand dollars, to each separate mine, as their by-laws may direct.

SEC. 6. *Be it enacted*, That the Company shall not contract any debt over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way diverted from the business of the Company, without the consent of three-fourths in interest of the Stockholders.

SEC. 7. *Be it further enacted*, That Thomas White, S. R. Reeder, Benjamin Pike, Charles A. Proctor, George White, Benjamin Earnest, Sr., W. Wembrough, John Tippihh, and their associates, are, hereby, constituted a body politic and corporate, under the name and style of the "Citico Mining Company," for the purpose of exploring and mining for copper, and other ores and minerals, and for working, smelting, manufacturing, and vending, the same; and to continue in existence, to them and their successors, for the period of ninety-nine years, with power to use a common seal, to make such by-laws, not inconsistent with the laws of this State, or the United States, as it may be deemed proper and necessary for its government; in its corporate name, to sue and be sued, plead and be impleaded, to hold by purchase, or otherwise, and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its opera-

Citico Mining  
Company.

tions, or which it may become possessed of, in payment of debts due it: *Provided, always*, the first cost of such real estate, shall not exceed the maximum amount of capital stock hereinafter provided for.

**Capital stock.** SEC. 8. *Be it enacted*, That the capital stock shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of not less than five dollars each; the amount of capital stock, the number of shares, shall be fixed and agreed upon by the incorporators, at their first meeting under this act. Nothing but money or mineral property, shall be regarded as a basis for capital stock; the stock to be subscribed and paid for, as the Board of Directors may prescribe; the shares shall be considered personal property, and transferable as such, only on the stock books of the Company.

**Directors—how elected.** SEC. 9. *Be it enacted*, That the incorporators named in the first section of this act, and associates, shall be the Directors for the first year, and until others are elected in their stead. The annual meetings of the Company shall be held at such times and places, as the Board of Directors may determine from year to year—thirty days' previous notice being given, in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting, a Board of Directors shall be chosen for the ensuing year; but in case of failure to elect a Board of Directors, the charter of this Company shall not be forfeited thereby; but the Directors of the previous year, shall continue in office until others are elected in their stead. The Directors shall elect one of their number President, and shall appoint such other officers and agents, as they may deem proper.

SEC. 10. *Be it enacted*, That all the Stockholders, not having paid for their stock according to the terms of subscription, shall be, individually, liable to the creditors of the Company, to the amount so remaining unpaid; and, in like manner, shall the Directors be liable, individually, for any amount they may declare as dividends, when the Company shall be unable to pay all the debts due by it.

SEC. 11. *Be it enacted*, That the Company shall not contract any debts over and above the amount of capital stock, paid in, no part of which, shall be withdrawn, or in any way or manner diverted from the business of the Company, without the consent of three-fourths of the Shareholders.

SEC. 12. *Be it further enacted*, That Williams Mayfield, Thomas Biggs, A. D. Keys, Thomas Boyd, C. A.

Johnson, and their associates, be, and are hereby, constituted a body politic and corporate, under the name and style of the "Biggs Mine," with the same provisions and restrictions, as is granted the "Citico Mining Company," of this act of the General Assembly. Biggs Mine.

SEC. 13. *Be it further enacted*, That Charles A. Proctor, Samuel Henderson, John B. Proctor, and their associates, be, and hereby are made and established, a body politic and corporate, under the name and style of the "Clinch Coal Company," with the same restrictions and privileges, as by this act of the Assembly, is made and granted the "Citico Mining Company." Clinch Coal Company.

SEC. 14. *Be it further enacted*, That J. E. Condict, C. A. Proctor, S. W. Renfro, J. W. Tobie, F. M. Proctor, and their associates, are hereby constituted a body politic and corporate, under the name and style of the "Caledonia Iron Company," for the purpose of mining, working, manufacturing, and vending iron; to continue in existence, to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, to sue and be sued, to plead and be impleaded, to hold, by purchase or otherwise, and to dispose of the same in any way, all real estate or personal property, that may be useful or necessary for carrying on its operations, and to make suitable by-laws for the government of said Company. Caledonia Iron Company.

SEC. 15. *Be it enacted*, That the capital stock of said Company shall not be more than one hundred thousand dollars, nor less than ten thousand dollars, to be divided into shares of fifty dollars each, and shall be considered as personal property. Capital stock.

SEC. 16. *Be it enacted*, That, that the corporators named in the last but one section of this act, shall be the Directors for the first year, and until others are elected in their stead. The Directors shall elect one of their number President, and shall appoint such officers and agents as they may deem necessary.

SEC. 17. *Be it enacted*, That all the Stockholders, not having paid their stock according to the terms of subscription, shall be, individually, liable to the creditors of the Company, to the amount so remaining unpaid; and in like manner shall the Directors be liable, individually, for any amount they may declare, and authorize to be paid to the Stockholders, as dividends.

SEC. 18. *Be it enacted*, That no debts shall be contracted by said Company, over and above the amount of the capital stock subscribed and paid in; and no part of which, shall be diverted or withdrawn from the busi-

ness of the Company, without the consent of three-fourths in interest of the Stockholders.

Athens Coal  
Company.

SEC. 19. *Be it further enacted*, That L. W. Gilbert, Thomas Young, Wm. Baker, J. E. Condict, and C. A. Proctor, and their associates, are hereby constituted a body politic, under the name and style of the "Athens Coal Company," for the purpose of mining, working, and vending coals, and the making of coke, and vending the same; to make and use a common seal; with all and the same corporate restrictions and privileges as are given in this act of the Legislature to the Caledonia Iron Company.

Phoenix Mine.

SEC. 20. *Be it further enacted*, That John Hall, H. G. Cook, C. A. Proctor, J. E. Condict, L. W. Gilbert, and their associates, be, and hereby are, constituted a body politic, under the name and style of the "Phoenix Mine," with like privileges and liabilities of the Caledonia Iron Company, only that said Company may mine copper, lead, or zinc.

Dickeson Mar-  
ble & Zinc Min-  
ing & Manufac-  
turing Company

SEC. 21. *Be it further enacted*, That M. W. Dickeson, John W. Telford, and George R. Hazewell, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Dickeson Marble and Zinc Mining and Manufacturing Company of Tennessee;" and by that name shall have perpetual succession, and shall be competent to sue and be sued, in any court of equity or law whatever; to have and use a common seal, and to alter the same at pleasure; to establish, and change any by-law for the government of said Company; to purchase, hold, and dispose, of such real estate, leases, mines, minerals, and personal property, as may be necessary for the legitimate transaction of their business; to mine, smelt, work, manufacture, and vend, said minerals and products thereof; to create, dispose of, and issue, such number of shares of the stock of said Company, as the representative par value thereof, as may be ordered by a vote of said Company; to determine the par value of shares, and have the right to pay in the shares of stock of the corporation, for such mining interest or interests, in real estate, as it may be deemed necessary to purchase for the operation of the works of the Company; and, generally, to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or to engage in banking.

SEC. 22. *Be it further enacted*, That, whenever said Company shall become possessed of mines or mineral leases, situated, in this State or elsewhere, a separate

and distinct interest of each mine or lease, may be created, under some name to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 23. *Be it further enacted*, That Jacob Houser, M. M. Armstrong, and Samuel Morrow, and their associates or assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Glen Alpine Mining and Agricultural Company of Sevier County, Tennessee," for the purpose of mining for copper, gold, and other ores and minerals, marble, or slate, and for agricultural purposes, and for working, smelting, manufacturing, and vending, the same, and for cultivating, peopling, and improving the soil; with the same powers, and to be subject to the same limitation and restrictions, as are granted by this act to the Dickeson Marble and Zinc Mining and Manufacturing Company of Tennessee.

Glen Alpine  
Company.

SEC. 24. *Be it further enacted*, That John M. Fleming, Monteville W. Dickeson, Richard O. Currey, George W. Harris, John W. Telford, Wm. T. W. Dickeson, James M. Welcker, George R. Hazewell, Augustus C. Liedy, and James H. Armstrong, their associates, successors, and assigns, shall be, and are hereby, constituted a body politic and corporate, by the name of the "Tennessee Nitre and Gun-Powder Mining and Manufacturing Company," for the purpose of prospecting and mining for nitre, and of manufacturing and vending nitre and gun-powder, or either of them; and for such purposes, may purchase, hold, mortgage, transfer, and convey, any real and personal estate, and may purchase, lease, or erect, all necessary buildings, furnaces, depots, and other apparatus and fixtures, for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same alter or renew at pleasure; and may enjoy all the privileges and immunities incident to corporations, for the period of ninety-nine years.

Tennessee Nitre  
and Gun-Pow-  
der Company.

SEC. 25. *Be it enacted*, That the first meeting of said corporation, may be called by the persons named in this act, or by any six of them, living, at such time and place, within this State, as they may elect; and at such meeting, a Board of Directors shall be chosen, from among said corporators; and said Directors so chosen, shall elect from among their own number a President, who, together with said Directors, shall choose, elect, or

employ, such other officers and agents of the corporation, as may be deemed requisite and proper; and shall take charge of the operations of the Company, subject to such rules and regulations, as may, from time to time, be adopted by the Stockholders; that said President and Directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations, for the government of the concerns of the Company, as they may deem expedient, not inconsistent with the rules made by the Stockholders as aforesaid, nor with the Constitution and laws of the United States, or of this State.

Capital stock.

SEC. 26. *Be it enacted*, That the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, and the Company may divide their said stock into such number of shares, and provide for the sale and transfer thereof, or such parts of the same, in such manner and form as they may deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said corporation in such manner as their by-laws may direct; and the corporation shall not, at any time, contract debts to an amount exceeding the capital stock of said Company.

White County  
Mining Company.

SEC. 27. *Be it further enacted*, That M. C. Dibrell, Thomas B. Eastland, and such others as may be associated with them, are hereby declared to be a body corporate and politic, by the name and style of the "White County Mining and Saltpetre Mining and Manufacturing Company;" who shall have all the powers and privileges, and be subject to all the restrictions, of the Tennessee Nitre and Gun-Powder Mining and Manufacturing Company.

Sevier Mining  
Company.

SEC. 28. *Be it enacted*, That W. B. A. Ramsey, J. Crozier Ramsey, and F. A. M. Scott, and their associate, are hereby constituted a body politic and corporate, under the name and style of the "Sevier Mining Company;" and as such, shall have all the powers, rights, privileges, and immunities, and be subject to all the provisions and restrictions, conferred and imposed on the "Hibernia Mining Company," incorporated by this act.

SEC. 29. *Be it enacted*, That the above named corporators shall be the Directors of the said Sevier Mining Company, for the first year, or until others are elected in conformity with the provisions of the charter.

SEC. 30. *Be it enacted*, That James S. Bradford, Frank W. Lea, and others, the owners of the north-west and south-west quarters, and the north half, and



the south-west fourths of the north-east quarter of section one, fractional township two south, and range five, east of the basis line, in the Ocoee District, and to other lands to which reference is had to books and title papers, are hereby incorporated, under the name and style of the "Amall Mining Company of Polk County, Tennessee," for the purpose of mining for mineral, manufacturing, and vending, the same, with liberty to use, under this charter, such water, coaling-grounds, as may be necessary to carrying on a legitimate mining business.

Amall Mining  
Company.

SEC. 31. *Be it enacted*, That the capital stock of said Company, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

SEC. 32. *Be it enacted*, That the corporators named in this act shall give ten days' notice for the assembling of the owners and stockholders, for the organization under this charter; and that an organization shall not take place, until all parties are present; and that, hereafter, the election for the necessary officers shall be held at the office of said Company, upon the premises, on the 30th day of June, in each and every year.

SEC. 33. *Be it enacted*, That all the privileges are conferred upon this corporation, that are upon the Cherokee Mining Company, granted by an act of the General Assembly of the State of Tennessee, 1853-54, chapter 20, except such as are herein contrary to the provisions of that charter.

SEC. 34. *Be it enacted*, That George B. Miller be, and he is hereby, authorized to establish a Ferry on the south fork of Forked Deer River, at his saw and grist mills, a few hundred yards above the ferry on the public road, leading from Ripley to Dyersburg, for the purpose of ferrying his customers to and from said mills, and for the use of his own family, and for no other purpose: *Provided*, nothing in this act contained, shall be so construed as to authorize the said George B. Miller, to charge or receive any toll, ferriage, or compensation, from any one for ferrying him, her, or them, or his, her, or their property, across said river.

G. B. Miller's  
Ferry.

SEC. 35. *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM.

*Speaker of the Senate.*

Passed February 21, 1856.



## CHAPTER 126.

AN ACT for the benefit of Lizzy, Bob, Susan, Violet, Reynolds, Jacob, and Alexander Crouse, free persons of color, citizens of Stewart County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lizzy, Bob, Susan, Violet, Reynolds, Jacob, and Alexander Crouse, free persons of color, be, and they are hereby, exempt from the provisions of the act of the General Assembly, passed February 24, 1854, which declares that all slaves which have heretofore acquired a right to freedom, but which have not been emancipated by the County Court, shall be subject to the provisions of this act, and they are restored to all the rights and privileges of free persons of color, afforded to them by the act of 1842, chapter 191.

SEC. 2. *Be it enacted*, That, upon said free persons of color producing the record of the County Court, of their emancipation, under the provisions of the act of 1842 aforesaid, to the Chancery Court at Dover, and County of Stewart, it shall be the duty of the Chancellor to order all the funds, after defraying all expenses directed by the Chancellor, that have accumulated in the cause of said free persons of color, by their next friend, Benjamin Suter, against James Chambers and others, that pends in said Chancery Court, at Dover, to be paid over to said free persons of color, to wit., Lizzy, Bob, Susan, Violet, Reynolds, Jacob, and Alexander, or to their order, in the proportions due them.

Miles Childress  
and William  
Johnson.

SEC. 3. *Be it further enacted*, That Miles Childress and William Johnson, free persons of color, residing in Robertson County, be, and they are hereby, entitled to all the rights, privileges, and benefits, by this act conferred upon the persons named in the first section of this act, and in the same manner, and to the same extent.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

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## CHAPTER 127.

AN ACT to amend the Charter of the South Carolina, Tennessee, and Kentucky Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the South Carolina, Tennessee, and Kentucky Railroad Company, be amended so as to allow said Company the further time of six years for commencing the building of said road; and four years from the time of commencing the work on said road, to complete the same.

SEC. 2. *Be it enacted*, That the further time of two years be extended to the Fayetteville and Tullahoma Turnpike Company, to complete said road. Fayetteville & Tullahoma T. P. Company.

SEC. 3. *Be it enacted*, That the Commissioners of the the State Capitol shall audit the account of the Penitentiary, for work done by the convicts for the Capitol, from the first of October last, to the first of March, 1856, and pay the Keeper of the prison, the amount of the same when so audited; and thereafter, shall audit the account monthly, and pay the Keeper one-fourth of the value, or amount of the same monthly. State Capitol to prepare statement.

SEC. 4. *Be it enacted*, That the Secretary of State be, and he is hereby, required to furnish the County of Johnson, with the seventh and ninth volumes of Yerger's Reports of the Decisions of the Supreme Court, and eleventh volume of Humphreys, when called on by the Circuit Court Clerk of said County, or his agent, if it can be done without re-printing; and also, the first volume of Yerger, in like manner, to the County of Cocke, and that the Comptroller issue his warrant for a sum of money sufficient to pay for the same, if the Secretary has to purchase the same, or any part thereof. Sec. of State to furnish books

SEC. 5. *Be it further enacted*, That Aaron V. Brown, Anthony W. Vanleer, Samuel B. Moore, B. L. Goodrich, Belfield S. Carter, and their associates and successors, be, and they are hereby, incorporated as a body politic and corporate, by the name of the "Hickman County Iron Company," for the purpose of working and manufacturing iron ore, and also for exploring for and purchasing and vending the same; and for such purpose, may erect all necessary buildings, apparatus, and fixtures, for carrying on the same; may purchase slaves and other property; may open and build a turnpike road from Centreville to the Tennessee River, upon which they may erect toll-gates, and receive and demand toll at the same rates as are allowed by law to the Franklin and Columbia Turnpike Company, and be vested with the same privileges, rights, &c., vested by law in said Hickman County Iron Co.

Company ; and by the name aforesaid, may sue and be sued, plead and be impleaded, and may enjoy the privileges incident to corporations, and may purchase, hold, mortgage, transfer, and convey, real and personal estate.

SEC. 6. *Be it further enacted*, That said corporation may open books at such time and places as to them may seem proper, for the purpose of receiving stock ; and when the sum of ten thousand dollars is subscribed, they may organize themselves by the election of such officers as they may see proper to elect, and adopt such by-laws as may be necessary.

SEC. 7. *Be it enacted*, That said Company may, from time to time, increase its capital stock to such amounts as it may desire, but in no event to exceed six hundred thousand dollars.

SEC. 8. *Be it enacted*, That corporations in this or other States, may hold and own capital stock in said Hickman County Iron Company.

SEC. 9. *Be it further enacted*, That said Hickman County Iron Manufacturing Company, may issue and sell their bonds, drawing such rate of interest as the Stockholders may agree upon, *provided*, the same does not exceed seven per cent. per annum, to be signed by the President and Secretary, and attested by the seal of the Company ; and it shall not be lawful for said Company to evade the payment of said rate of interest by a plea or answer of usury.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

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## CHAPTER 128.

AN ACT to incorporate the Gayoso Savings Institution, and the Chattanooga Savings Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse E. Maxwell, A. D. Witherspoon, A. J. White, William E. Milton, and Gabriel Smither, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the Gayoso Savings Institu-

tion ; and by that name shall have succession ; sue and be sued ; plead and be impleaded ; and generally to do every act and thing necessary to carry out the provisions of the act, and promote the object and design of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be divided into shares of fifty dollars each, and when two hundred shares shall have been subscribed, and the sum of one dollar per share paid thereon, the Stockholders may meet and elect five Directors, who shall be elected, and enter upon their duties ; and said Directors shall elect one of their number to be President during their term of office. Capital stock.

SEC. 3. *Be it further enacted*, That said President and Directors shall and may adopt and use a common seal, and alter the same at pleasure ; may make and adopt proper and necessary by-laws for their government ; may appoint all necessary officers and agents, fix their compensation, and take bond and security for the faithful discharge of their duties ; they may prescribe the manner of paying in the stock, and of the transfer thereof. Said institution shall have a lien on the stock for debts due it by the Stockholders, before and in preference to other creditors, except the State, for taxes ; and shall pay to the State an annual tax of one-half of one per cent. on each share of capital stock, which shall be in lieu of all other taxes.

SEC. 4. *Be it further enacted*, That said institution may discount notes, may buy and sell stocks, deal in exchange, and gold and silver bullion ; may purchase and hold a lot of ground for the use of the institution, as a place of business, and at pleasure, sell or exchange the same, and may hold such real or personal property and estate as may be conveyed to it, to secure debts due the institution, and may sell and convey the same. It may receive on deposit, any and all sums not less than one dollar per week offered as stock deposits ; and infants and *femes covert* may deposite therein, and control the deposites so made, which shall be for their own separate use, free from other contracts or control whatever ; and when such deposites shall amount to fifty dollars, it may, at the option of the depositor, become stock in the institution. It may receive other general or special deposites, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law ; and twice per year, declare and pay to Stockholders a dividend of profits. But said institution is hereby expressly prohibited from issuing notes, certificates, or other paper, for the purpose Privileges.

of being used, or which shall have a tendency to pass and be used, as a circulating medium.

**Election of officers.**  
 SEC. 5. *Be it further enacted*, That the President and Directors shall annually appoint the time and place of holding the election of their successors, and two or more of their members shall attend and conduct said election, each share being entitled to one vote.

**Chattanooga Savings Institute.**  
 SEC. 6. *Be it further enacted*, That Benjamin Chandler, Samuel R. McCamy, James Whitesides, John L. M. French, Edwin Marsh, James E. Warner, their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the Chattanooga Savings Institute, and by that name shall have succession: sue and be sued; plead and be impleaded; and they are hereby invested with all the powers, privileges, rights, and immunities, and subjected to the same liabilities and restrictions that are given and imposed in the foregoing sections, upon the Gayoso Savings Institution. The corporation chartered by this section shall be located in the City of Chattanooga.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after the date of its passage, and shall remain in force fifty years.

**Amend revenue law.**  
 SEC. 8. *Be it enacted*, That an act passed February 28, 1856, entitled "An act to amend the revenue laws of this State, and to provide for a proper assessment," be so amend that tobacco, woolen and flax jeans, and leather, and articles manufactured of leather, may be sold without license, to any person not setting him or herself up as a merchant or grocer: *Provided*, that no person shall sell more than two hundred dollars' worth of leather or leather articles, without license.

**Murfreesboro Insurance Co.**  
 SEC. 9. *Be it enacted*, That there shall be established in the city of Murfreesboro, in Rutherford County, an Insurance Company, which shall be a body politic and corporate, by the name of the Mutual Protection Insurance Company of Murfreesboro; of which William Spence, William B. McFadden, James F. Fletcher, E. A. Keeble, Newton C. Clark, S. B. Christy, E. L. Jordan, S. B. Little, John W. Thomas, Green Clay, William J. Huggins, William Ransome, Legrand H. Carney, David D. Wendell, and Fountain Mosby, or any number of them, and each other person as may hereafter be appointed with them, by having their lives or property insured; shall be members, equally entitled to a full participation in the profits or dividends.

SEC. 10. *Be it enacted*, That it shall be the duty of the persons named in the preceding section of this act,

or any five of them, within four years after the passage of this act, to open books to receive applications for insurance, to be approved of by them, amounting to not less than fifty thousand dollars; the books may then be closed and the company organized.

SEC. 11. *Be it enacted*, That the said Mutual Protection Insurance Company of Murfreesboro shall have all the powers and privileges, and be subject to the same rules, regulations, and restrictions, which are contained in an act passed 20th of December, 1847, incorporating the Mutual Protection Insurance Company of Nashville, and the amendments thereto, except when publications are to be made; in which case, they shall be made in newspapers in Murfreesboro instead of Nashville, and said Company shall pay a bonus of one-half of one per cent., to be appropriated to the use of common schools in this State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 129.

AN ACT to authorize Sarah A. Prock to open a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sarah A. Prock be, and is hereby, authorized to open a Turnpike Road from a point in the Monroe and Polk County line, in the south side of section thirty-five, first fractional township, north range, four east, Ocoee district, as she may find most practicable to Hiwassee River, at, or near the mouth of Little Brush Creek, to intersect a contemplated road up Hiwassee to Ducktown; of the following description, to wit:—Said Sarah A. Prock may first open said road four feet wide, for the travel of horsemen and stock, and as soon as the travel and business of said road requires, or will justify the same, shall open said road equal to the second class mountain roads of Polk County, where the ground will permit, and shall keep said road in repair as County roads are kept, and be subject to the same penalties, rules, and regulations, that overseers are under on like County roads.

**Sec. 2. *Be it enacted,*** That if said contemplated road up Hiwassee shall not be made, then said Sarah A. Prock may intersect the Turtletown Road at any convenient place or point:

**SEC. 3. *Be it enacted,*** That said Sarah A. Prock may contract with any persons for free passage by the year; or for so much per year.

## Rates of Toll.

**SEC. 4. *Be it enacted,*** That said proprietress may put a gate on said road, and collect toll as follows, to wit: For each horse and rider, ten cents; each horse or mule, five cents; for each wagon and team of four horses or mules, one dollar; for each wagon and team of two horses or mules, fifty cents; carryall, thirty cents; four-wheel pleasure carriage, one dollar; each buggy and horse, or two-wheel pleasure carriage, thirty cents; for cattle, three cents per head; sheep and hogs, one cent per head.

**SEC. 5. *Be it enacted,*** That if any person shall obstruct said road, they shall be subject to the same punishment as for obstructing other roads; and if any person shall pass so as to avoid the gate, within a mile thereof, either forcibly, or to avoid the payment of the toll, such person shall be subject to the payment of twenty dollars' fine to said proprietress of said road—to be recovered by action of debt before any Justice of the Peace in this State.

**SEC. 6. *Be it enacted,*** That George Sheehan, Thomas Peel, and John Thomas, be, and they are hereby, appointed Commissioners to examine said road, and that upon their certificate that the road is made a four foot road, or a second class road, according to the first section of this act, the said Sarah A. Prock may erect gates and collect or receive tolls, as provided in said first section; but that said Sarah A. Prock is not permitted to receive any tolls whatever, until she has procured said certificate of said Commissioners, as aforesaid.

## Overton County Turnpike Company.

**SEC. 7. *Be it further enacted,*** That H. P. Hoover and Tilnan Roger be, and they are hereby, incorporated as a Turnpike Company, to be known and styled as the West Fork Turnpike Company, of Overton County, with all the powers, privileges, rights, and incidents belonging to such corporations.

**SEC. 8. *Be it further enacted,*** That said Company are authorized to open and build a turnpike road, with only one toll-gate thereon, commencing at Adam Winningham's, (or in one mile thereof,) in Overton County; thence the nearest and most practicable route up the west fork of Obed's River, by way of the residence of H.



P. Hoover, on Hurricane Creek; thence to intersect Taylor's road, in the direction of Crossville.

SEC. 9. *Be it further enacted*, That said Turnpike Company shall complete their road as required in the charter of the Taylor road, and shall be entitled to the same rate of toll, and possess all the rights and privileges of said road, and be subject to the same restrictions and liabilities, in all respects, as said Taylor road: *Provided*, that the citizens of Overton County shall be entitled to travel said road on horseback, and with stock, free of toll.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 130.

AN ACT to incorporate the Cumberland Manufacturing Company; the Somerville Cotton Factory, and Manufacturing and Flouring Mills; the Chickasaw Golden Leaf Tobacco Factory; the Phoenix Mining and Manufacturing Company; the Anderson Mining and Manufacturing Company; the Tennessee Literary Society; the Frankland Mining, Smelting, and Manufacturing Company; and to amend the Charter of the Mulfreesboro Gas Light Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic, by the name and style of the Cumberland Manufacturing Company, for the purpose of mining, smelting, and manufacturing minerals, and for manufacturing from any other materials, and vending the same, is hereby constituted and established; to continue and have succession for the term of ninety-nine years, with power to make and use a common seal, the same to change at pleasure; to make such by-laws, not inconsistent with the laws of the State of Tennessee; or of the United States, as it may deem useful or necessary for its government; to sue and be sued; to plead and be impleaded; to hold, by purchase or otherwise, and dispose of the same, any real or personal property, which may be useful or expedient for carrying on its business, or which it may become possessed of in payment of debts to it, in whole or in part.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be divided into shares of one hundred dollars each, which, in law, shall be deemed personal property; shall consist of not less than five hundred, nor

more than ten thousand shares; shall be transferable only on the books of the Company, and then only with the consent of the Board of Directors, or a majority of them in session, unless the whole amount of such stock shall have been personally paid up in full, nor whilst such stockholder shall, in any wise, be indebted to the Company, or it shall be under any responsibility on his her, or their account. The Company shall have power to declare forfeited to it, any stock which may remain in whole, or in part, unpaid; or it may sue for and recover such unpaid instalment or instalments, before any court or other tribunal having jurisdiction over such sums. *Provided*, such forfeitures shall not be valid, unless made after, at least, thirty days' notice of such call or calls of instalments shall have been given. The Company may, at its pleasure, and in such manner as the Directors may elect, increase its capital stock, from time to time, to any sum deemed advisable between the minimum and maximum amounts heretofore provided for.

**Sec. 3.** *Be it enacted*, That all Stockholders not having paid in the calls made on their stock, shall be individually bound and liable to the creditors of the Company, to the extent of the amount so remaining unpaid; and in like manner shall the Directors be individually bound for any amount they may declare and pay out to the Stockholders as dividends, when at the time of declaring and so paying out, the Company shall have been unable to pay all debts due by it. To avoid such responsibility on his part, the dissenting Director shall enter, or demand to have entered, on the minutes of the Board, his dissent thereto, or if not present when the act is done, he shall so record, or demand to have his dissent thereto recorded, within the period of thirty days thereafter.

**Sec. 4:** *Be it enacted*, That Samuel D. Morgan, R. H. Gardner, E. J. Cheney, Richard C. Gardner, St. Clair M. Morgan, Alexander Allison, James Woods, John M. Hill, Tom. Smith, J. M. Bass, A. B. Montgomery, Dr. Gale, and Joseph Vaulx, are hereby appointed Commissioners, who, or any three of them, after giving ten days' notice of the time and place for so doing, may open and keep open books for subscription until the minimum number of shares, or such greater number as they may decide necessary, shall have been subscribed for, requiring or not, at their option, a portion of the amount to be paid, at the time of making the subscription. So soon as the number of shares agreed on by the acting Commissioners shall have been taken, they shall give not less than ten days' notice to, and the Stockholders may proceed

Commissioners  
appointed.

to elect from their own body, a Board of Directors, each share entitling its owner to one vote in all elections by the Stockholders, who may vote by proxy, or in person, for said Board of Directors, or on any question submitted to them. The said Board of Directors shall consist of five members, one of whom shall be elected President; he and the other members of the Board shall retain their places for the term of one year, or until their successors shall have been elected; *Provided*, a failure so to elect, shall in no wise cause a forfeiture of, or impair the force of, this charter: *and also provided*, that no Stockholder shall be entitled to vote who may be in arrears on calls previously made on stock owned by him.

Board of Directors to be elected.

The President and Directors shall have power to elect or appoint and employ all other officers, managers, agents, and servants, deemed necessary for conducting the affairs of said corporation, and fix their salaries, and do, in behalf of the corporation, all such other acts as are incidental to such bodies;—the Directors causing to be kept minutes of the proceedings had at each of its meetings—the same to be kept open for the inspection of any Stockholders desiring to inspect them.

SEC. 5. *Be it enacted*, That all the rights, privileges, and immunities heretofore granted to any other manufacturing company by the Legislature of the State; are, in like manner, granted to this one: *Provided, however*, that nothing herein contained is to be construed so as to confer any right to carry on the business of banking—all such power being hereby expressly prohibited.

No banking privileges.

SEC. 6. *Be it further enacted*, That a body politic and corporate is hereby constituted and established, by the name and style of the "Somerville Cotton Factory," to be located in or the vicinity of the town of Somerville, in the County of Fayette, for the purpose of manufacturing goods and articles from cotton, wool, hemp, and other texible materials; which, when formed by said name, may sue and be sued; plead and be impleaded; hold, by purchase or otherwise, and convey and dispose of the same, any real or personal estate, which may be useful and necessary for carrying into execution the object for which it was created, or which it may become possessed of in payment of debts to it, in whole or part; shall have succession for ninety-nine years; have and use a common seal, and alter and destroy the same at pleasure; may make by-laws for its government, and in general, do and transact all and everything pertaining to the objects of its creation, that other bodies politic and corporate may do by the laws of this State.

Somerville Cotton Factory.

SEC. 7. *Be it enacted*, That the capital stock shall not

Capital stock.

exceed (\$75,000) seventy-five thousand dollars, to be divided in shares of (\$25) twenty-five dollars each, which shall be considered as personal property; shall be transferable only with the consent of a majority of the Board of Directors, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring Stockholder is in any wise indebted to the Company.

Commissioners  
appointed.

SEC. 8. *Be it enacted*, That Jos. R. Mosby, Calvin Jones, Edwin Dickinson, John C. Cooper, B. M. Patterson, J. Higginson, Joel E. Palliam, and W. A. Williamson, are hereby appointed Commissioners, who, or any three or more of whom, after ten days' notice of the time and place, or times and places, for so doing, shall open books for subscription; and when the amount of two thousand dollars shall have been subscribed, the Commissioners shall declare the same, and by notice given, by publication in writing, or in one or more newspapers in the town of Somerville, by said Commissioners, the Stockholders may proceed to elect from their own body a Board of Directors—each share owned entitling its owner to one vote in all elections by the Stockholders, who may vote either in person or by proxy, upon written authority, for said Board of Directors, or on any question submitted to a meeting of them. The said Board of Directors shall consist of five in number, one of whom shall be elected President, and they shall hold their offices for the term of one year, or until their successors shall be elected and installed: *Provided*, a failure to elect on the day appointed, shall in no wise work a forfeiture of this charter: *and further provided*, that no Stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him; that said President and Directors shall elect or appoint, or employ all other officers, agents, managers, &c., &c., necessary for carrying on the affairs of said corporation, and fix their compensation, and do, on behalf of the Company, all other acts that are incident to such bodies;—the said Directors causing to be kept regular minutes of all their proceedings, which shall at all times be open to the inspection of any Stockholders.

Somerville  
Manufacturing  
and Flouring  
Mills.

SEC. 9. *Be it further enacted*, That there is hereby authorized a body politic and corporate, under the name and style of the "Somerville Manufacturing and Flouring Mills," to be located in or the vicinity of the town of Somerville, in the County of Fayette, for the purpose of erecting mills for the grinding of grain and manufacture of flour, or sawing or dressing and working of lumber; which, when formed by that name, shall have

all the powers, privileges, and restrictions, of the Somerville Cotton Factory.

Sec. 10. *Be it enacted*, That Calvin Jones, Geo. W. Trotter, S. E. McNutt, W. H. Blake, John C. Reeves, H. Dickinson, and Louis M. Scott, are hereby appointed Commissioners; and that the capital stock of said Company shall be the same as that specified in section second of this act; and that all the powers, privileges, conditions, and restrictions, are hereby conferred on this Company, as are granted under sections first, second, and third of this act, so far as the same are applicable.

Sec. 11. *Be it further enacted*, That a body politic and corporate is hereby authorized and established, under the name and style of "The Chickasaw Golden Leaf Tobacco Factory," for the purpose of manufacturing tobacco in all its various forms; which, when formed by said name, shall be vested with all the powers, rights, privileges, and immunities, as are conferred upon corporations of a like character; that the capital stock shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each; and that Sam. Tate, James A. Carnes, Wm. H. Cox, Geo. Robertson, and Frank Royster, are hereby appointed Commissioners to open books for subscription of stock; and that all the powers, rights, privileges, immunities, and restrictions, as are granted in the foregoing sections of this act, are hereby conferred upon the Chickasaw Golden Leaf Tobacco Factory, so far as the same are practicable.

Chickasaw Golden Leaf Tobacco Factory.

Sec. 12. *Be it further enacted*, That Robt. Lusk, Samuel Pritchitt, John Calender, L. B. White, and Wm. N. Bilbo, their associates and successors, are hereby constituted a body corporate and politic, by the name of the "Phoenix Mining and Manufacturing Company," for the purpose of manufacturing cotton, wool, or flour, and of exploring for copper, lead, gold, silver, iron, coal, and other ores and minerals, and for mining, working, smelting, purchasing, and vending the same; and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued; plead and be impleaded; appear, prosecute, and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same alter and renew at pleasure; and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer, and convey any real and personal estate.

Phoenix Mining and Manufacturing Co.

Sec. 13. *Be it enacted*, That the first meeting of said corporation may be called, by a majority of the aforesaid Commissioners named in this act, at such time and



place as they may select, and at such meeting, a Board of Directors shall be chosen from among the Stockholders present at such meeting; and such Board of Directors shall take charge of the operations of the Company, subject to such rules and regulations as may be adopted by the Stockholders; that said Directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the Company; as they may deem expedient, not inconsistent with the rules made by the Stockholders, as aforesaid, nor with the Constitution and laws of the United States, and of this State.

**Sec. 14.** *Be it enacted,* That the Directors shall cause a book to be kept, containing the names of all persons, who are Stockholders of said Company, showing their place of residence, and the number of shares of stock held by each respectively, and the time when they become respectively the owner of said shares, and the amount of stock actually paid in; which book shall, during the usual hour of each secular day, be opened at the place of business of said Company, for the inspection of the Stockholders and creditors of the said Company and their representatives.

**Sec. 15.** *Be it enacted,* That the said corporation may divide their original stock into such number of shares; and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, (and the sale or transfer thereof shall be made upon the books of the Company,) and may levy and collect assessments, forfeit and sell delinquent shares; declare and pay dividends on the shares in said manufactures and mines, in such manner as their by-laws may direct.

**Sec. 16.** *Be it enacted,* That the said corporation shall not contract debts until the sum of twenty thousand dollars of the capital stock is paid in, which may be represented by so much cash or valuable mineral lands; nor shall they contract debts at any time to an amount exceeding the capital stock.

**Sec. 17.** *Be it enacted,* That, for the purpose of enabling said corporation to carry on manufactures, to mine, raise, and export coal, and other minerals, and deliver them to their ultimate destination, for sale and consumption, they shall have the right to construct such turnpikes, mule roads or railroads to navigable streams or constructed railroads, with the same rights, privileges, and benefits as are conferred upon the Nashville and Chattanooga Railroad Company, with regard to the "right of way" of said road.

**Sec. 18.** *Be it further enacted,* That all the rights and

privileges extended by this act to the Phoenix Mining and Manufacturing Company be, and the same are hereby, extended to the Anderson Mining and Manufacturing Company; and John F. Anderson, John F. Neal, V. K. Stevenson, James W. Wallace, Wm. Bass, W. J. Matthews, and Larkin Willis, are hereby constituted a Board of Commissioners, under the same rights and privileges extending to the Commissioners named in the foregoing act.

Anderson Min-  
ing and Man-  
ufacturing Co

Sec. 19. *Be it further enacted*, That Willim R. Cox, Geo. W. Cowan, Henry Rains, A. J. Bradshaw, A. F. Eustis, and Ed. D. Baxter, and any others that may become associated with them, and their successors, be; and they are hereby, incorporated and constituted a body politic and corporate, by the name and style of "The Tennessee Literary Society," for the purpose of mutual improvement in the Arts and Sciences, and shall have perpetual succession, and have and use a common seal; shall plead and be impleaded; sue and be sued; and shall have power to purchase, receive, hold, and enjoy, to themselves, any books, maps, charts, goods, chattels, lands, and tenements, which may be given, granted, purchased, or devised, to them, for the use and benefit of said society, and at their discretion to appropriate, use, and dispose of the same in such manner as to them may seem fit and proper, for the purposes, use and benefit of said society.

Tennessee Lit-  
erary Society.

Sec. 20. *Be it enacted*, That said corporation shall have power, from time to time, to elect from their body suitable officers; and make such constitution, rules, and by-laws for their government, as may be requisite to promote the objects of the society; to elect to membership, and to confer degrees upon all such persons as may become members, and to prescribe to the officers their obligations; and the terms of membership, as they may deem proper, not repugnant to the Constitution and laws of the United States, or of this State.

Sec. 21. *Be it enacted*, That each subordinate society that has been, or may hereafter be, chartered or established by said society, in the State of Tennessee, according to the Constitution and laws of the society, shall be a body corporate, by the name given to it in its charter; and in such name may sue and be sued, plead and be impleaded, and transact such other business as may be necessary for it as a society; they may also, in such name, have and hold, by purchase or otherwise, so much real and personal estate as may be necessary for halls or places of meetings, and at pleasure dispose of the same, as they may deem proper.



Franklin Mining,  
Smelting,  
& Manufacturing  
Company.

**Sec. 22.** *Be it further enacted,* That Ezekiel Birdseye, and his associates and successors, are hereby constituted a body corporate and politic, by the name of "The Frankland Mining, Smelting, and Manufacturing Company," for the purpose of exploring for copper, zinc, lead, gold, silver, iron, and all other mineral or fossil substances, and for mining, working, smelting, purchasing, and vending the same; and for the purpose of manufacturing goods, wares, and merchandise, implements of husbandry, mechanism, navigation, and commerce, to construct all necessary buildings, and all other necessary apparatus and fixtures for carrying out their operations.

**Sec. 23.** *Be it further enacted,* That all the rights, powers, and franchises extended by this act to the Phoenix Mining and Manufacturing Company, and to the Anderson Mining and Manufacturing Company, be, and the same are hereby, extended to the "Frankland Mining, Smelting, and Manufacturing Company"—subject to the same restrictions and limitations.

Murfreesboro  
Gas Light Com-  
pany.

**Sec. 24.** *Be it enacted,* That the Charter of the Murfreesboro Gas Light Company be so amended that it shall not be necessary for said Company to have more than three Directors; if they, in their discretion, should deem it best, but not to elect more; and that it shall not be necessary for a Stockholder to be the owner of more than one share in order to become a Director, or to hold any office in said Company.

**Sec. 25.** *Be it enacted,* That said Company shall have power to require, upon any actual notice to the Stockholders, or at least two-thirds of them; and said Company shall have the right to charge for gas such price as they may think right and proper.

**Sec. 26.** *Be it further enacted,* That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 131.

AN ACT to extend the corporate limits of the town of Unionville, Bedford County; to incorporate the Mayor and Aldermen of East Knoxville; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the boundary line of the corporation of the town of Unionville, in the County of Bedford, shall be extended so as to include the house and lot now owned by John W. Clary, on the west, and the house and lot of R. W. Fain, and M. C. West, on the east side, and adjoining to said corporation, together with the lot of ground and improvements thereon, situated near the centre of said town, on the east side of the turnpike, and excluded by the original charter; the same to be under the power and control of the corporate authorities of said town, and be subject to all the restrictions and liabilities incident to said corporation.

SEC. 2. *Be it enacted,* That there shall be a Town Constable; who shall be elected by the Mayor and Aldermen, who shall hold his office for the period of twelve months from the date of his election, and until his successor shall be elected and qualified.

SEC. 3. *Be it enacted,* That the Town Constable shall have power to execute all State warrants for the violation of the original laws of the State of Tennessee; also to execute all warrants for violation of the ordinances, or charter of the town of Unionville; also, to execute all other process that a Constable, generally, by the laws of Tennessee, can execute; and that his jurisdiction shall only extend to the limits of the town of Unionville; and he shall be entitled to such fees as other Constables are entitled to by law.

SEC. 4. *Be it enacted,* That there shall be a Town Recorder, who shall be appointed by the Mayor, by and with the advice and consent of the Board of Aldermen, who shall have exclusive original jurisdiction of all offences arising under any violation of the provisions of the charter this act is intended to amend, or breach of any ordinance of the town, and shall have concurrent jurisdiction with the Justices of the Peace of the County of Bedford, in all cases arising from a violation of the laws of Tennessee, within the limits of the town. He shall hold his office for one year, and until his successor is duly qualified; and shall receive such fees as may be prescribed by ordinance.

SEC. 5. *Be it enacted,* That East Knoxville, in the County of Knox, is hereby incorporated by the name and style of the "Mayor and Aldermen of East Knoxville."

ville;" and by that name may sue and be sued, plead and be impleaded; that said corporation shall be bounded as follows:—Beginning at the mouth of First Creek, on Holston River, on the line of the corporation of the city of Knoxville; thence, up the meanders of the said river to the mouth of Samuel McCammon's Spring Branch; thence, up said branch, including his spring; and from thence, a direct line to the lower end of the Belt place, on First Creek—the line of the corporation of the city of Knoxville; thence, down said creek, with the corporation line of said city, to the beginning: *Provided*, said corporation of East Knoxville, shall not be responsible for the keeping up the bridges over said First Creek, but the same shall continue County bridges as heretofore, unless said corporation shall otherwise agree with the County Court to take charge of said bridges.

*Aldermen.* *Sec. 6. Be it enacted*, That said corporation shall be divided into three wards, and two Aldermen shall be elected for each ward; and the Mayor shall be elected by the qualified voters of said corporation; a majority of said officers shall be a quorum to do business; the voters in said corporation shall have the same qualification as the voters of the corporation of the city of Knoxville.

*Sec. 7. Be it enacted*, That the Mayor and Aldermen of the corporation of East Knoxville shall have all the powers granted in the act incorporating the town of Knoxville, and the amendatory acts thereto—it being intended to give to the corporation of East Knoxville all the powers now enjoyed by the corporation of the city of Knoxville; and its officers, together with all the restrictions imposed on said corporation; and said Mayor and Aldermen of East Knoxville may appoint the same officers now appointed by the Mayor and Aldermen of the city of Knoxville, who shall have the same powers now conferred on the town officers of the city of Knoxville; and the Town Constables appointed by said corporation, shall have the same powers of other Constables in Knox County.

*Sec. 8. Be it enacted*, That said corporation shall not have power to levy any tax upon lands unimproved, or held for agricultural purposes, within the limits of said corporation, until such time as said lands shall be laid off into town lots: *Provided*, that such lands, when laid out into lots not exceeding in size two acres, shall be deemed and held town lots within the meaning of this act; and tax shall be levied upon said lots thus laid off, upon the same principle, and in the same manner, as upon other property in said corporation: *Provided*,

further, that the owners of such unimproved, or agricultural lands, shall be subject to pay tax upon five acres of land, embracing in its bounds, the dwelling-house and out-buildings belonging thereto, of said owners.

SEC. 9. *Be it enacted*, That William Swan, William F. Seay, and James Rodgers, or any two of them, shall have power to lay off said corporation into three wards, as near equal as may be, and make a record of said division; and said Commissioners shall have power to open and hold an election in each ward, on the second Saturday in March next, at such places as they may designate; and the persons receiving the greatest number of votes, shall be declared elected Mayor and Aldermen; and they shall be sworn in on the same day, or at any other convenient time, and proceed to appoint a Recorder and Town Constable or Constables; and there shall be an election for Mayor and Aldermen each year on the second Saturday in March: *Provided*, that if, for any reason, said Commissioners shall fail to hold said election on the day above named, they shall have power to do so, at any time thereafter, by giving ten days' notice of said election.

Commissioners  
to lay off wards.

SEC. 10. *Be it enacted*, That the Recorder of said town, shall have concurrent jurisdiction with the Justices of the Peace for said County of Knox, in all cases of a violation of the laws of Tennessee, committed within the limits of said town, as well as to enforce all ordinances enacted by the Board of Mayor and Aldermen of said town, and shall be entitled to charge the same fees as are now allowed Justices of the Peace for similar services.

SEC. 11. *Be it enacted*, That the provisions of the 8th section of this act, shall apply to an act passed at the present session, extending and defining the corporate limits of the city of Knoxville; and that the same be amended in accordance herewith.

SEC. 12. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1855.

## CHAPTER 132.

AN ACT to charter the Strawberry Plains and Sevierville Turnpike Company; and to incorporate the Watauga Bridge Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That F. A. Butler, Thos. Stringfield, Robert Martin, and William Thompson, of the County of Jefferson, and James M. Housley, John H. Caldwell, Ephraim Johnson, William M. Bryant, James Ellis, William Cannon, Pinckney H. Toomy, William Catlett, and Robert H. Hodgden, of the County of Sevier, be, and they are hereby, appointed Commissioners to open books and receive subscriptions, for the purpose of opening and constructing a turnpike road from Strawberry Plains to Sevierville. The shares of stock in said road shall be twenty-five dollars each; and when an amount is subscribed and secured, sufficient to build two-thirds of said road, the Stockholders shall have a meeting in the town of Sevierville, and proceed to organize said Company, by the election of seven Directors, and also of a President, Secretary and Treasurer, who shall continue in office until the next annual election, or until their successors are appointed. The said Board of Directors shall have power to fix the salaries of their officers or agents; to make contracts for construction of said road, bridges, &c.; and may, from time to time, make such calls on the stock subscribed, as may be necessary: *Provided; however*, that they shall not be allowed to call for more than two dollars and fifty cents on each share of stock at any one time; and of which call twenty days' notice shall be given. The said President and Directors shall have power to transact all and any business that may be necessary to the construction of the road, keeping the same in repair, or carrying on their regular business on the same when completed.

SEC. 2. *Be it enacted*, That said Company shall be incorporated under the name and style of the "Strawberry Plains and Sevierville Turnpike Company," with all the privileges and powers pertaining to similar corporations, and with the restrictions and liabilities thereunto appertaining, as is contained in the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, and 10th, sections of an act passed January 20, 1838, to incorporate the Charlotte, Waverly, and Reynoldsburg Turnpike Company, so far as said sections are applicable to this charter. Said Company shall have the right to erect a toll-gate on every five miles, that may be finished of said road, and may collect and receive the same tolls as the Nashville and Lebanon Turnpike Company, is now authorized to

receive by law: *Provided*, that nothing in this act shall grant, or be construed to grant, the State aid to said Company, in any manner whatever.

SEC. 3. *Be it enacted*, That said Strawberry Plains and Sevierville Turnpike Company shall have succession for ninety-nine years, and shall have the time of ten years in which to commence their work, and twenty years to complete it.

SEC. 4. *Be it further enacted*, That a body politic and corporate is hereby created, by the name and style of the "Watauga Bridge Company," for the purpose of constructing and keeping up a bridge across Watauga River, at or near where William Stover now lives, in Carter County; and by that name may sue and be sued, plead and be impleaded; and may do all acts and things which may be necessary to construct said bridge, and to manage and keep the same in repair; and that said Company shall have succession for ninety-nine years.

SEC. 5. *Be it enacted*, That the capital stock of said Company shall be one thousand dollars, and may be increased to twenty-five hundred dollars, to be made up of shares of five dollars each; and so soon as one thousand dollars of said stock is subscribed in cash or labor, the Stockholders may call a meeting at any time and place in Carter County, and organize by electing five Directors among themselves, one of whom they shall make President of the Company; and said President and Directors may appoint such other officers or agents as they may deem necessary.

SEC. 6. *Be it enacted*, That Thomas J. Powell; James T. Carter, John Jobe, William Stover, John Alexander, Radford Ellis, Daniel Stover, William Lyons, and A. J. Lyons, of Carter County, be, and they are hereby, appointed Commissioners, or any five of them, to open books at any time and place in Carter County they may think proper, to receive subscription for the capital stock; and said Commissioners may manage all the affairs of said Company, until the same is fully organized.

SEC. 7. *Be it enacted*, That said Company, when organized, may have power to buy, or receive by gift, or otherwise, any grounds or lands necessary for the construction of said bridge; and that said Company may pass any by-laws for the government of said Company, not inconsistent with the Constitution of this State; and said Company shall receive the same tolls on said bridge, when constructed, as are granted by an act passed 1855, authorizing the Broyles and Henshaw Bridge Company to build a bridge across Chucky River.



Watauga & Doe  
River Bridge  
Company.

Sec. 8. *Be it further enacted*, That a body politic and corporate is hereby created, by the name and style of the "Watauga and Doe River Bridge Company," with a capital stock of one thousand dollars, which may be increased to three thousand dollars, of shares of five dollars each, for the purpose of constructing a bridge across Watauga River, at or near James D. Smith's, in Carter County; and by said name may sue and be sued, and do all acts and things that a body politic can or may do; and that said Company shall have an existence for ninety-nine years.

Sec. 9. *Be it enacted*, That James W. Renfrow, John C. Lacy, W. C. Emmett, Uriah Woods, Peter Slagle, H. C. Renfrow, William Poland, James D. Smith, J. G. Eollers, and James A. Burrows, or any five of them, are hereby appointed Commissioners to open books, at any time or place in Carter County, to receive subscriptions to the capital stock of said Company; and may manage the affairs of said Company, until the sum of one thousand dollars of said stock is taken; and the said Company may organize, and have the same rights and privileges, that are granted to the Watauga Bridge Company, and shall be entitled to the same rates of toll as are granted to said Company.

Act in regard  
to damages re-  
pealed.

Sec. 10. *Be it further enacted*, That so much of an act passed February 7, 1850, entitled "An act to authorize the formation of Turnpike Companies," as provides "That no petition, suit, or action, shall be brought for damages on account of such road running over the lands of a person, after twelve months from the filing, in the office of the Register, the location and survey of the route," as provided for in said act, be, and the same is hereby, repealed.

Sec. 11. *Be it further enacted*, That, hereafter, any person who may be injured by the location and building of a turnpike road, over his or her lands, shall be entitled to sue for damages, as provided in said act, at any time within twelve months after the building of said road over his or her lands. This act shall apply to all roads to which extension of time has been granted at this session of the General Assembly.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.



## CHAPTER 133.

AN ACT to provide for the election of a Justice of the Peace in the town of Rome ; to elect an additional Justice of the Peace in the town of Flynn's Lick ; and to change the boundary of the corporation of the town of Woodbury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this act, it may be lawful for the legal voters in the town of Rome, in Smith County, to elect one Justice of the Peace, in addition to the number now elected, in the civil district in which said town is located, at the same time that other Justices of the Peace are elected, whose term of office, powers, and jurisdiction, shall be the same as other Justices of the Peace of said County.

SEC. 2. *Be it further enacted*, That the qualified voters of the town of Flynn's Lick be authorized to elect an additional Justice of the Peace, in the same manner as the above act prescribes for the town of Rome.

SEC. 3. *Be it further enacted*, That the northern boundary of the corporation of the town of Woodbury, shall be so changed as to run with the meanderings of Stone's River. Boundary of Woodbury.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 134.

AN ACT to change the name of Ross Preswell to Ross Hurst ; and to change the name of John Henry Turner to John Henry Wright ; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Leroy Hurst, of Claiborne County, be permitted to adopt his illegitimate son, Ross Preswell, as his legitimate and lawful heir ; and that the name of the said Ross Preswell be, and the same is hereby, changed to Ross Hurst ; and that he be entitled to, and capable of inheriting and succeeding to, the personal and real estate of said Leroy Hurst, as fully as if he had been born in wedlock ;—all of which is hereby declared to be done.

SEC. 2. *Be it further enacted*, That George D. Wright,

Geo. D. Wright.

of Roane County, be permitted to adopt his son, John Henry Turner, born out of wedlock of Sarah Turner, as his legitimate and lawful heir; and that the name of the said John Henry Turner be, and the same is hereby, changed to John Henry Wright; and that he be entitled to, and capable of inheriting and succeeding to the personal and real estate of said George D. Wright, as fully as if he had been born in wedlock;—all of which is hereby declared to be done.

SEC. 3. *Be it further enacted*, That the name of Damaris Sweet, wife of S. M. Sweet, is hereby changed to Mary Sweet, and that by that name she shall hereafter be known and called.

SEC. 4. *Be it further enacted*, That the name of Martha Cleopatra North be changed to Martha Cleopatra Rowles; and that the said Martha C. be entitled to all the rights and privileges, as if she had been born the child of John S. Rowles, and capable of inheriting or succeeding to the personal and real estate of said John S. Rowles, as his heir, or next of kin.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 135.

AN ACT for the benefit of Connell and Ferguson, and Isaac Sampson; to authorize Wm. Ridnour to erect a Dam across a Sluice on Powell's River; to authorize W. H. Grayson to erect a Mill-dam across Sequatchee River, and a Mill on said river, in Marion County; and, also, to authorize the County Court of Lincoln County to order the erection of a Bridge across Elk River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this act, Connell and Ferguson, and Isaac Sampson, shall have the privilege of erecting either a lock or mills on Green's Canal, in the County of Dyer, or a brush-dam in the middle fork of Forked Deer River, near the head of Green's Sluice, sufficiently high to raise the river two feet at low water: *Provided*, the navigation of said stream is in no wise affected thereby.

SEC. 2. *Be it enacted*, That any malicious interference with said lock or dam, by any person or persons, shall be considered a misdemeanor, and shall be indict-

able and punishable, as other misdemeanors now are by the laws of this State.

SEC. 3. *Be it further enacted*, That Wm. Ridnour, Sr., Ridnour's mill-dam. be, and he is hereby, authorized to erect a mill-dam across that part of Powell's River running on the opposite side of the island from his mill, in Campbell County, to a height not exceeding six inches above the lowest water mark: *Provided*, the said Wm. Ridnour doth build a slope dam, fifty feet wide across the stream, and twenty feet up and down the stream.

SEC. 4. *Be it further enacted*, That the said William Ridnour, his heirs and assigns, shall be bound for any damages sustained by any person on account of said dam.

SEC. 5. *Be it further enacted*, That W. H. Grayson Grayson's mill-dam. be, and he is hereby, authorized to erect a mill-dam across Sequatchee River, and a mill on said river, in Marion County, about two miles below Grayson's old mill-seat on said river, to a height not exceeding three feet above the lowest water mark: *Provided*, said W. H. Grayson doth build a slope dam, one hundred feet wide across the river, and twenty feet up and down the river, in the boat shoot.

SEC. 6. *Be it enacted*, That said W. H. Grayson his heirs and assigns, shall be bound for any and all damages sustained by any person on account of said dam or mill.

SEC. 7. *Be it further enacted*, That the County Court of Lincoln County is hereby empowered and authorized to order the erection of a bridge across Elk River, Elk River Bridge. at or near the town of Fayetteville, in said County: *Provided*, that in the erection of said bridge, it shall be so constructed, as not to interfere with the down-stream navigation of said river.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

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## CHAPTER 136.

AN ACT to incorporate the Agents of the Publishing House of the Methodist Episcopal Church, South, in the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Edward Stephenson, and Francis A. Owen, and their successors in office, be, and they are hereby, made a body corporate and politic, under the and style of the "Book Agents of the Methodist name Episcopal Church, South;" and by that name and style to have perpetual succession, for the manufacture and distribution of books, tracts, periodicals, &c., &c.; to make and use a common seal, and the same to alter at pleasure; in this name to sue and be sued, contract and be contracted with, hold personal and real estate, by purchase, deed, grant, gift, devise, or bequest, and the same to sell or dispose of, as they may deem best for the interests involved.

SEC. 2. *Be it enacted*, That the corporation hereby created shall now, and at all times hereafter, be under the control of the said Methodist Episcopal Church, South, according to the laws and usages of the same, as contained in their present, or in any future edition of their Discipline.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 137.

AN ACT to authorize the County Court of Decatur County to lay off an additional civil district in said County; to authorize the County Court of Anderson County to lay off an additional civil district; and, also, to establish an additional civil district in the County of Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an act passed December 3, 1835, entitled "An act to lay off the several Counties in this State into districts of convenient size," be so amended as to authorize the County Court of Decatur County, to lay off an additional district in said County, whenever the convenience and interest of the citizens of said County may require

it—three-fourths of the Justices being present and concurring therein; such additional district shall be entitled to all the rights and privileges of the other districts of said County of Decatur.

SEC. 2. *Be it further enacted*, That the County Court of Anderson County be, and they are hereby, authorized and empowered to lay off a civil district in said County, out of the fraction of the first, and a portion of the eleventh districts, in said County, either by appointing Commissioners or otherwise; and such district, when layed off, shall be entitled to all the rights and privileges of the other districts in said County of Anderson.

SEC. 3. *Be it further enacted*, That there be established an additional civil district in the County of Franklin, embracing the following bounds, to wit:—Beginning at the Enoch Stuart cabin on the State line; thence, with the meanders of the mountain northwardly to the head of the Round Cove; and from the head of said cove to the old turnpike gate, on the Belfonte road; thence, westwardly, with the meanders of the mountain, to the head of Ellis's fork of Paint Rock Creek; thence, with said creek to the foot of the Round Mountain, on the west side of said creek; thence, with the meanders of said mountain, westwardly to the State line; and with the same to the beginning;—and said district shall be entitled to all the rights and privileges of the other districts in said County.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 138.

AN ACT to incorporate Stewart College, in Montgomery County; the Law Library Association of Cumberland University; the Educational Society of the Cumberland Presbyterian Church; the Three Forks Institute; to alter the boundary lines of the town of Camden; to amend section third, chapter sixty-eight, act of 1840, authorizing the election of two Justices in fractions of second and ninth Civil Districts in Davidson County; to incorporate the town of Mt. Pellis, and the town of Boydville, and to incorporate the Young Men's Christian Association of Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William M. Stewart, John M.

Hill, Bryce Stewart, William B. Mumford, John Stacker, J. E. Bailey, A. Robb, John McKeage, C. R. Cooper, D. N. Kennedy, Thomas J. Pritchitt, W. P. Hume, Rev. R. A. Lapsley, D.D., Rev. W. H. Mitchell, D.D., Rev. R. B. McMullin, D.D., and Rev. Duncan Brown, D.D., and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Stewart College," and may establish a male college and a male academy in the town of Clarksville.

SEC. 2. *Be it enacted*, That said College shall be under the supervision and control of the Synod of Nashville of the Presbyterian Church, (old school;) and said Synod shall have and possess the power of visitation; shall annually appoint a Board of Trustees, not less than sixteen in number, for said College—five of whom shall constitute a quorum to transact business; which board, in the event the Synod shall fail at any time to appoint a new board, shall continue in office until the appointment of successors, and shall have power to fill vacancies occasioned by death, resignation, or removal; the said Board of Trustees—of which the President of the College shall, *ex-officio*, be chairman—shall have power to employ all necessary teachers, professors, and lecturers, for the rates of tuition, prescribe the course of study, and make all necessary rules and regulations for said College and Academy.

SEC. 3. *Be it enacted*, That said College shall have power to hold and acquire real and personal estate, by purchase, gift, or devise, or bequest; to sell or exchange the same; to sue and be sued; to create professorships, and endow the same; and to receive money or other property for the purpose by gift, or devise, or bequest; to invest the money in stocks or otherwise; to confer diplomas and degrees, such as are usual in colleges; and shall enjoy all other powers and privileges incident to corporations of this description.

SEC. 4. *Be it enacted*, That the property, real and personal, to be owned and held by said College, shall be exempt from the State, County, and corporation taxes.

SEC. 5. *Be it further enacted*, That Nathan Green, Sr., Abraham Caruthers, Nathan Green, Jr., N. Davidson Cross, T. H. Bostick, W. G. Weatherford, John N. Straat, John E. Webb, W. K. Holmes, Wm. H. Bibb, R. C. Williamson, C. Rowell, H. E. Jackson, J. W. Buford, C. M. Neil, Jno. B. Blair, Henry B. Whitfield, Andrew Whiteside, J. G. Montgomery, James Cannon, M. V. McLaughlin, William T. Firth, John C. Binks, Hardy Allen, W. C. McQuiston, Charles E. Dikes, W. C. Burton, Wm. H. Stovall, George H. Murrell, Thos. F. Hen-

ry, G. C. Johnson, R. B. Anderson, W. M. Alston, W. G. McDowell, N. R. Chambliss, C. Rodney Montague, J. A. Price, W. G. Perry, and those associated with them, and their successors, be, and they are hereby, incorporated and made a body politic, by the name and style of the "Law Library Association of Cumberland University," for the purpose of mutual information in the Arts and Sciences, and legal and general literature, with full power and authority to form and adopt such a constitution and by-laws as may be thought proper for its government; *provided*, that the same be not inconsistent with the Constitution and laws of the State of Tennessee.

SEC. 6. *Be it further enacted*, That the persons hereby incorporated may use a common seal; may sue and be sued, plead and be impleaded, answered and be answered unto, in all courts whatsoever; and may hold real, personal, and mixed property, not exceeding fifty thousand dollars in value; and may exercise all powers belonging to corporate bodies for the purpose of promoting useful knowledge.

SEC. 7. *Be it further enacted*, That the Educational Society of the Cumberland Presbyterian Church shall be hereafter a body politic and corporate, under that name and style; and as such shall be competent to own property, real and personal; sue and be sued; to make contracts; to elect such officers, and make such rules, regulations, and by-laws, as may be deemed necessary for the accomplishment of the objects of its creation, as set forth in the action of the General Assembly of the Cumberland Presbyterian Church at its last session. The said Society shall be subject to the control and management of the body by which it was created as aforesaid, as long as it shall continue.

SEC. 8. *Be it further enacted*, That there is hereby established in the County of Wilson, in this State, an institution of learning, having a corporate existence, under the name and style of the "Three Forks Institute."

Three Forks Institute.

SEC. 9. *Be it enacted*, That the said institution shall be governed by five trustees, who, with their successors, shall constitute a body politic and corporate—a majority of whom shall constitute a quorum for the transaction of business. The first Board shall consist of James Young, John A. Clark, William J. Cragwall, R. H. Clark, and Wilson T. Waters, who shall hold their offices for one year, and until the appointment or election of their successors. Any vacancies that may occur in said body shall be filled by the Board. Said Board shall have power also to elect their successors. They may elect



from their own body a President, Secretary, and Treasurer.

SEC. 10. *Be it enacted*, That said Board shall have power to employ all necessary teachers, fix the rate of tuition, prescribe the course of study ; make all necessary rules, and regulations, and laws ; take real or personal estate, by gift, devise, or purchase, and hold the same, or dispose thereof by sale, or in exchange for other property ; sue and be sued ; and have and enjoy all other powers and privileges incident to this description of corporations.

SEC. 11. *Be it enacted*, That in conveyances of real estate, or the transfer of other assets, the name of the President of the Board shall be sufficient, when affixed by order of the Board.

Camden boundaries extended.

SEC. 12. *Be it further enacted*, That the boundary line of the corporate limits of the town of Camden be extended as follows, viz :—Beginning twenty poles west of the south-west corner of a ten acre lot, in the name of S. C. Pavatt, adjoining the present corporation of Camden on the south ; running thence east one hundred and twenty poles, with the south boundary of said ten acre lot ; thence north one hundred and forty poles, west one hundred and twenty poles ; thence south one hundred and forty poles, to the beginning ;—the same to be under the power and control of the corporate authorities of said town, and be subject to all the restrictions and liabilities incident to said corporation.

SEC. 13. *Be it further enacted*, That the third section of the act of 1840, chapter 68, be so amended as to apply to all incorporated towns.

Mt. Pelia.

SEC. 14. *Be it further enacted*, That the town of Mt. Pelia, in Weakley County, and the inhabitants thereof, be, and they are hereby, declared a body politic, with succession for thirty years as such ; and that said corporation be authorized to sue and be sued, plead and be impleaded, by the name and style of the Mayor and Aldermen of the town of Mt. Pelia ; and they, by that name, be authorized and empowered to receive property, real, personal, or mixed, by deed, gift or otherwise ; and that they be entitled to all the rights and privileges, and subject to the same rules and restrictions, of the corporation of the town of Dukedom, in the County of Weakley.

SEC. 15. *Be it further enacted*, That the corporate limits of said town of Mt. Pelia, shall be as follows : Beginning on the Obion County line, where Robert K. Wade's north boundary line strikes the Obion County line ; thence south six hundred yards to a stake ; thence

east seven hundred yards to a stake ; thence north six hundred yards to a stake ; thence west to the beginning.

SEC. 16. *Be it further enacted*, That the town of Boydville, in the County of Weakley, be, and the same is hereby, incorporated, with all the powers, privileges, and restrictions granted to the town of Dukedom, in said County, under an act incorporating said town. Boydville.

SEC. 17. *Be it enacted*, That the boundaries of said town shall be as follows :—Beginning on the Kentucky State line so as to run twenty yards west of the Methodist Church, and running south three hundred yards to a stake ; thence North to the Kentucky State line ; thence west to the beginning.

SEC. 18. *Be it further enacted*, That J. B. G. Kinsloe, M. C. Butler, T. L. Griswold, A. Barton, L. C. Shepard, S. B. Ault, D. Richardson, F. F. Ativell, J. Gillespie, M. B. McMahan, A. Holland, A. L. Maxwell, W. R. Bayles, and W. B. Atkinson, be, and they are hereby, constituted a body politic, by the name of "The Young Men's Christian Association of Knoxville ;" and by that name shall have succession for a period of five hundred years, and a common seal ; and they and their successors, by the name aforesaid, shall be capable, in law, to receive, hold, and purchase, to themselves and their successors, any lands, tenements, goods, and chattels, which shall be given, granted, or devised to them, or purchased by them for the use of said Association, and to use or dispose of the same as may seem to them most advantageous to said Association ; and they and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere.

SEC. 19. *Be it further enacted*, That the members of said association shall have, and the power is hereby granted unto them, to receive into said association other individuals upon such terms as they may adopt ; and such individuals so received shall come within the provisions of this act.

SEC. 20. *Be it further enacted*, That the members of said association shall have full power to adopt such constitution, by-laws, rules, and regulations for the government of the association, as to them may seem most expedient and as do not conflict with the Constitution and laws of the State of Tennessee.

SEC. 21. *Be it further enacted*, That the town of Cottage Grove, in Henry County, and the inhabitants thereof, be, and they are hereby, declared a body politic, with succession for thirty years as such ; and that said corporation be authorized to sue and be sued, plead and be Cottage Grove,  
Henry County.

impleaded, by the name and style of the "Mayor and Aldermen of the town of Cottage Grove;" and that they, by that name, be authorized and empowered to receive and hold property, real, personal, or mixed, by deed, gift, or otherwise; and that they be entitled to all the rights and privileges, and subject to the same rules and restrictions of the corporation of the town of Dukedom, in Weakley County, Tennessee.

SEC. 22. *Be it further enacted*, That the corporate limits of the said town of Cottage Grove shall be as follows:—Beginning at E. G. Banden's gate post, and running south one hundred rods to a black oak sapling, including the school-house and Masonic Lodge; thence east seventy-two rods to a stake; thence north one hundred rods to a black oak tree, with a post oak pointer; thence east to the beginning.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 139.

AN ACT to authorize the establishment of the Memphis Water-works Company; to incorporate the Chattanooga Water-works Company; to incorporate the Sumner Manufacturing Company; to incorporate a Law School in the city of Memphis, to incorporate the Knoxville Water-works Company; for the benefit of the town of Murfreesboro; to incorporate the Decherd and Winchester Turnpike Company; to incorporate the Polk Law School of Maury County; to amend an act to charter the Sevier Turnpike Road, passed January 30, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Company, to be entitled the "Memphis Water-works Company," shall be, and is hereby, established, with a capital of one hundred thousand dollars; which, if expedient and necessary, may be increased to the sum of two hundred thousand dollars; that the stock of said Company shall be divided into shares of fifty dollars each—to be subscribed with the Commissioners hereinafter named—to be paid in as the Directors to be elected may demand.

SEC. 2. *Be it enacted*, That the subscribers for said stock, their successors and assignees, are hereby created a body politic and corporate, by the name and style of the "Memphis Water-works Company;" and in and by said name, shall have the power to contract and to be

contracted with; to sue and be sued: to have and use a common seal; to borrow money upon their bonds, for such amounts, conditions, time, and rates of interest, as may be agreed upon between the contracting parties; shall have authority to elect all necessary officers, and to pass and establish by-laws, rules, and regulations for the successful management of the affairs of said Company.

SEC. 3. *Be it enacted*, That the business of said Company shall be to establish and construct water-works in the city of Memphis, for the purpose of furnishing the population thereof with a plentiful supply of water, by means of Artesian wells, or otherwise; and they may purchase and hold as much real estate as may be necessary and expedient for said business, and to secure any debt that may be due them.

SEC. 4. *Be it enacted*, That, to enable the Company to construct such works, they are hereby authorized and empowered to lay down pipe, and extend aqueducts or conductors, and all other necessary apparatus for that purpose, through all or any of the streets, lanes, or alleys of the city of Memphis, in such manner as to cause the least possible inconvenience to the public, and to take up the pavement or sidewalk: *Provided*, they shall afterwards repair the same with the least possible delay.

SEC. 5. *Be it enacted*, That the works and operations of said Company shall be so constructed and managed as not to affect the health or comfort of the citizens of Memphis prejudicially; and nothing in this act shall be so construed as to absolve the Company, their agents or officers, from any legal proceedings to restrain or abate any nuisance arising from such works or operations.

SEC. 6. *Be it enacted*, That if any person shall injure or destroy any portion of the works, fixtures, or other property of said Company, such person or persons shall be liable for all damage sustained by such proceedings, and also to a fine not exceeding five hundred dollars, upon indictment or conviction—the person or persons committing such act or offence, being deemed guilty of a misdemeanor, and punishable as in other cases of misdemeanor.

SEC. 7. *Be it enacted*, That D. M. Leatherman, J. B. Lamb, R. C. Brinkley, and William F. Barry, or any of them, shall be Commissioners to open books for the subscription of stock in said Company, which shall be kept open until they may deem a sufficient amount has been subscribed. They shall then, by advertising in some one of the Memphis newspapers, give twenty days' notice to the Stockholders, to hold a meeting for the election of

Commissioners  
appointed  
open books.

a Board of five Directors, to whom shall be entrusted the management of the affairs of the Company, and who shall elect a President from their own number. The election of President and Directors of said Company shall be held annually, at the office of the Company, at such time as the Stockholders shall determine; and said President and Directors may fill any vacancies that may occur in their body, and hold their offices until superseded by a new election. To entitle a person to act as a member of the Board of Directors, or as President, he must be a citizen of Tennessee, and a Stockholder in said Company. The Stockholders, in the election of Directors shall be entitled to one vote for each and every share of their stock, and their votes may be given by proxy. The transfer of stock must be upon the books of the Company.

SEC. 8. *Be it enacted*, That the stock of said Company shall all be paid in within such period, and upon such times, places, and calls, as may be required by the Directors; and any Stockholders who fail to pay any such instalments or calls as may be required, as aforesaid, by the Directors, shall incur such forfeitures of their stock as the said President and Directors, may, by a by-law, prescribe; and the said President and Directors may institute suit, at their discretion, for the purpose of enforcing payment of the calls of stock that any Stockholder may suffer to remain due and unpaid. The Company shall have no right to release Stockholders from payment of their shares of stock, to the prejudice of the creditors of said Company.

SEC. 9. *Be it enacted*. That the Memphis Water-works Company hereby chartered, shall exist and have succession for the period of fifty-five years from the passage of this act.

Chattanooga  
Water-works  
Company.

SEC. 10. *Be it further enacted*, That William D. Fulton, Spence Rogers, Jonathan M. Lees, Robert Cravens, Robert M. Hooke, and Joseph L. Gillespie, their associates and successors, be, and they are hereby, incorporated a body politic and corporate, by the name and style of the "Chattanooga Water-works Company," with a capital of fifty thousand dollars, with the power of increasing it to two hundred thousand dollars, for the purpose of supplying the city of Chattanooga with water, by means of Artesian wells, or otherwise.

SEC. 11. *Be it enacted*, That said Company shall have the same rights, powers, and privileges, and be subject to the same liabilities and restrictions, as are given and imposed in the foregoing sections to the Memphis Water-works Company; shall have the same powers and pro-

tection in the city of Chattanooga, that said Memphis Water-works Company have in the city of Memphis.

Sec. 12. *Be it further enacted*, That James A. Blackmore, William McMurry, Samuel McMurry, W. H. Crutcher, Carson Dobbins, William Cantrell, John Bell, Enoch Steadman, Robert W. Guthrie, A. C. Franklin, Wm. H. Solomon, Bennett Lane, Jeremiah Bentley, Jno. J. White, John Parker, Z. W. Baker, Raymond Head, B. M. Jenkins, R. J. Goostree, Ben. F. Allen, Chas. E. Boddie, Henry B. Vaughn, B. Bender, Jacob Yoost, J. R. A. Tompkins, May McMurry, Wm. Henley, J. B. Wallace, Wm. H. Blackmore, Rockhill & Co., and such other persons as they may choose to associate with them, and their successors, are hereby incorporated and constituted a body politic and corporate in fact, and in name, to be known by the name and style of "The Sumner Manufacturing Company," to have succession for ninety-nine years, for the purpose of manufacturing cotton and woolen goods, or either, and for the establishment of flouring or grist mills; and by that name they, and their successors, shall be, and are hereby, made capable in law of suing and being sued, pleading and being impleaded, and answering and being answered unto, in all courts whatsoever, and of having and using a common seal, and the same to alter and renew at pleasure; and they, and their successors and assigns, in their corporate name, shall be, and they are hereby, made capable, in law, to purchase and hold any lands or tenements, goods or chattels, necessary or convenient for carrying on the manufacturing purposes as aforesaid, and the establishment of flour and grist mills as aforesaid, and the same to use and employ, grant and dispose of, as they shall deem proper; and to have all the rights and privileges pertaining to corporate bodies necessary for the purposes of their incorporation.

Sumner Manufacturing Company.

Sec. 13. *Be it enacted*, That the capital stock of said Company shall be twenty thousand dollars, and the same may be extended to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Capital stock.

Sec. 14. *Be it enacted*, That said Company may allot and divide the different shares among themselves as they may see proper; and that the books of said Company shall show what amount of stock is owned and held by each Stockholder; and any Stockholder may transfer, upon the books of said Company, such stock as he or she may own in said Company, in such manner as shall be prescribed by the by-laws of said corporation.

Sec. 15. *Be it enacted*, That the capital stock, prop-



Directors.

erty, and business, of said corporation, shall be managed by five Directors—being Stockholders—to be elected as aforesaid; and they shall hold their office for one year, and until others are elected and qualified in their places; and the Stockholders may vote either in person or by proxy; and all elections shall be by ballot, allowing each share one vote. The Stockholders shall appoint three persons from among themselves, to be inspectors and judges of the first election; and the said Directors, when elected, shall choose one of their number President; and the said President and Directors annually, thereafter, by public notice as aforesaid, shall call meetings of the Stockholders for electing Directors of said Company, and shall appoint three Stockholders as inspectors and judges of elections; and if the President and Directors shall fail, refuse, or neglect, to call annual meetings for the election of Directors as herein prescribed, the Stockholders, or a majority of them, may give the notice, call meetings, and elect Directors, in like manner as if the said President and Directors had given notice as prescribed in this act. But if it shall happen that two or more Stockholders have an equal number of votes, then the Directors for the time being, shall, by ballot, determine which of said Stockholders shall be Director or Directors; and the said President and Directors, or a majority of them, may, from time to time, make, ordain, and execute, such by-laws and regulations, for the government of said corporation in its proceedings, and for the management of the stock and property of said Company, as may by them be deemed necessary and convenient; *provided*, the same be not repugnant to the Constitution and laws of this State, or of the United States. And the said President and Directors, or a majority of them, may appoint such agents, clerks, and secretaries, as they shall think proper and useful for the purposes of said Company; and may take of them such bond or bonds, with security, for the faithful performance of the duties assigned them, as shall be thought necessary—allowing said agents, clerks, and secretaries, such compensation as shall be agreed upon—and may remove them, or any of them, at pleasure. And if any vacancy shall happen among the Directors, by death, resignation, or otherwise, such vacancy may be filled until the next annual election, by such person or persons, as the other Directors may appoint.

SEC. 16. *Be it enacted*, That, if it should happen that an election of Directors should not be made on the day designated in the notice, the said corporation shall not, for that cause, be deemed dissolved; but it shall



and may be lawful to make and hold an election for Directors on some other designated day—of which notice may be given.

SEC. 17. *Be it enacted*, That a dividend of the profits of said corporation shall be made annually, or semi-annually, as shall be thought best by said President and Directors, among the Stockholders; and that the Directors may make such calls for stock due, as the Stockholders may direct, or the interest of the corporation demand.

SEC. 18. *Be it enacted*, That said President and Directors shall keep, or cause to be kept, proper books of account of the business and affairs of said Company, which shall be subject at all times, to the inspection of each and all the Stockholders; and the President and Directors, on going out of office, shall account to their successors, and pay over all moneys, assets, and effects, of the Company in their hands.

SEC. 19. *Be it further enacted*, That all those who shall become Stockholders therein, are hereby incorporated as a body corporate and politic, by the name and style of the "West Tennessee Law School of the City of Memphis;" with power to sue and be sued, in all the courts of law and equity in this State; and with the powers incident to such corporations.

West Tennessee Law College of the City of Memphis.

SEC. 20. *Be it enacted*, That the said West Tennessee Law School shall be under the control of five Trustees—one of whom shall be President of said College, who shall have full power to all things pertaining to the management of said institution; to appoint all professors and agents of said school; and to regulate all matters in relation to the financial affairs of said school; and to receive bequests, grants, gifts, for the use and benefit of the same; and to dispose of or sell the same; and to buy, receive, by gift or otherwise, real estate or other property, which may be necessary for said school.

SEC. 21. *Be it enacted*, That Leroy Pope, Milton A. Haynes, D. M. Leatherman, E. M. Yerger, John F. Soule, John Pope, and George L. Holmes, be appointed Commissioners—any three of whom may open books to receive subscriptions, donations, &c., for the benefit the school; and that, when the sum of five thousand dollars shall have been raised, the school may be organized by the election of trustees, and the establishment of one or more professorships.

SEC. 22. *Be it enacted*, That George W. Harris, James H. Cowan, Samuel T. Atkin, William G. Swan, and Samuel A. White, their associates and successors, be, and they are hereby, created a body politic, under the

Knoxville Water-works.

name and style of the "Knoxville Water-works Company;" and that they have the same privileges, and be subject to the same restrictions, that are given or imposed by the preceding sections of this act, to the Memphis Water-works Company.

SEC. 23. *Be it enacted*, That George M. White, A. A. Barnes, and C. W. Jones, be, and they are hereby, appointed Commissioners to open books for the subscription of stock in said Company, as hereinbefore provided for the Memphis Water-works Company; and that all the provisions of this act in relation to said Company shall be held applicable to the the Knoxville Water-works Company.

Murfreesboro'. SEC. 24. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Murfreesborough, Tennessee, shall have full power and authority to pass any ordinance or regulation whatever, not inconsistent with the Constitution of Tennessee, or of the United States, which in their judgment may be deemed necessary for the interest of said city, as well as to preserve the good morals, order, peace, and safety, of the inhabitants thereof.

SEC. 25. *Be it enacted*, That the corporate authorities of said city of Murfreesborough, shall further have the power and authority, to prescribe and annex or define all penalties, for the violation of any of the laws, ordinances, or regulations, which they may see proper to pass, ordain, or enact; and shall in like manner, have the power to define or declare the mode of proceedings; to enforce any and all of said ordinances, laws, and regulations; and the mode of punishing such person or persons as may violate any of the same.

SEC. 26. *Be it enacted*, That the said corporate authorities shall have the power to erect and establish a prison-house, or calaboose, or work-house, to be used in the punishment, or for the safe-keeping of offenders against any of said ordinances, laws, or regulations; or, they may for that purpose, have the use of the common jail of Rutherford County: *Provided*, the said County Court for said County, at a Quarterly, or Quorum Term thereof, shall first give their assent to such use of said jail, upon such terms and conditions as to said Court may seem proper.

Dechord and  
Winchester T.  
P. Company.

SEC. 27. *Be it further enacted*, That William G. Brooks, Hu. Francis, C. C. Garner, William Darmin, and John March, and their successors, are hereby constituted a body politic and corporate, under the name and style of the "Dechord and Winchester Turnpike Company," for the purpose of constructing a turnpike

road from Decherd's Depot to Winchester, in Franklin County; and for such purpose, shall enjoy all the rights and privileges, and be subject to all the liabilities, of the Shelbyville, Flat Creek, Mulberry, and Fayetteville Turnpike Company.

SEC. 28. *Be it further enacted*, That all those who shall become stockholders therein are hereby incorporated as a body corporate, by the name and style of the "Polk Law School of Maury County;" with power to sue and be sued, in all the courts of law or equity in this State; and shall have other powers incident to corporations of like character. Polk Law School

SEC. 29. *Be it further enacted*, That the said Polk Law School shall be under the control of seven trustees, who shall have full power to do all things pertaining to the management of said school—appoint all professors and agents of said school, and to regulate all matters in relation to the financial affairs; to receive bequests, grants, gifts, for the use and benefit of the same, and to dispose of or sell the same.

SEC. 30. *Be it enacted*, That James H. Thomas, Samuel D. Frierson, Leonard D. Mayes, George Gault, A. M. Hughes, M. S. Frierson, and W. J. Sykes, be appointed Commissioners, any three of whom may open books to receive subscription, donations, &c., for the benefit of the school; and whenever, in the opinion of said Commissioners, a sufficient sum is subscribed, said school may be organized by the election of trustees, and the establishment of one or more professorships.

Whereas, It would be highly conducive to the interest of a respectable portion of the citizens of this State, whose region—rich though it is in mineral wealth, in agriculture and grazing interests—is shut out by natural obstructions of railroads, by the ordinary cost of such thoroughfare; and, whereas, it is desired to extend to them, in some degree, the liberal aid heretofore granted to other sections of the State, by assisting the citizens of said sections to build railroads, McAdam and turnpike roads, thus contributing to the revenue of the State, by increasing the wealth of a portion of her citizens, developing the resources of valuable mines, fertile soils, and luxuriant pasturage, and by emulating the praiseworthy example of the bordering State of North Carolina, and meeting her in a liberal spirit at her own line—by this means, opening up to the citizens of this State the trade and intercourse of the people inhabiting the the adjoining counties of that State; therefore,

SEC. 31. *Be it further enacted*, That an act passed

Amending the  
charter of Se-  
vier Turnpike  
Road.

March 1, 1854, entitled "An act to revive and amend an act passed January 30, 1846, entitled An act to charter the Sevier Turnpike Road, &c, and for other purposes," be, and the same is hereby, amended as to the Company or Commissioners named in said acts, there be added the following persons, to wit., John McMahan, Robert H. Hodsden, J. T. Havis, Jas. McNeely, W. H. Cannon, A. J. Bradley, John Mullenden, P. H. Toomy, Jos. M. Sharp, Radford Gathin, Jos. Ogle, Wm. Whaley, Wm. Huskey, Fred. Emiet, W. C. Murphy, Wm. Henderson, Sr., Daniel Ragan, of Sevier County, and R. M. Stephens, O. P. Temple, James Campbell, Jerry Johnson, and Wm. Warren, of Knox County; and that the capital stock of said Company may be increased to twenty thousand dollars.

SEC. 32. *Be it enacted*, That the County Court of the Counties of Knox and Sevier may, respectively, at any quarterly session of their Court, in addition to the above Commissioners, elect any number of other Commissioners, not to exceed eleven in each County, who are hereby vested with powers similar, and are authorized to act in all respects, with the individuals mentioned in the acts which this act is intended to amend.

Additional Com-  
missioners.

Additional sub-  
scriptions.

SEC. 33. *Be it enacted*, That any three of the Commissioners in the foregoing acts which this is intended to amend, or those mentioned in this act, or who may hereafter be appointed as provided for in the second section of this act, by the County Courts of Knox and Sevier, respectively, be, and they are hereby, authorized to open books and receive subscriptions to said turnpike road, at any point or points, in either or both of said Counties of Knox and Sevier, at any time, having given reasonable notice thereof, they may deem proper.

Further time  
to commence &  
complete road.

SEC. 34. *Be it enacted*, That said Company shall have five years after the passage of this act, to procure subscriptions for, and commence said road, and ten years to complete.

Commissioners  
to lay off road—  
Compensation.

SEC. 35. *Be it enacted*, That the Company, when properly organized, may proceed to definitely locate said road; *provided*, they make said road from the North Carolina State line to the town of Sevierville; and for this purpose, they may secure the services of a competent engineer, or of Commissioners appointed from their own body, who shall perform his or their duty with a view to the best interest of the Company, and the County through which the road passes, and who shall receive reasonable compensation therefor, to be fixed by the Company.

**Sec. 36.** *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 23, 1858.

## CHAPTER 140.

AN ACT to incorporate the Ashport and Ripley Plank Road Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That B. Embry, William Conner, James A. Lackey, Milton G. Turner, and Henry L. Pettis, of the County of Lauderdale, are hereby authorized as Commissioners to open books, at such times and places as they may think proper, for the purpose of receiving subscriptions, to the amount of fifty thousand dollars, or less if sufficient, to be applied to the making of a plank turnpike road from Ashport, in the County of Lauderdale, to the top of the Bluff, or high-lands, in the direction of Ripley, in said County; which sum shall be divided into shares of fifty dollars. Said Commissioners shall, so soon as twenty thousand dollars are subscribed, call a meeting of the Stockholders for the purpose of organizing said Company; and the Stockholders shall proceed to elect from their body five Directors; and in voting for said Directors, each Stockholder shall be entitled to one vote for each share. And the Directors, when elected, shall elect from their own body a President, and, also, to elect such other officers as they may deem necessary, for the term of two years, and until their successors are elected and qualified; which said Directors and their successors, are hereby created a body politic and corporate, by the name and style of the "Ashport and Ripley Plank Road Company;" and by that name, to sue and be sued, plead and be impleaded, in any court of law or equity in this State, and have a common seal, and have succession for ninety-nine years.

Commissioners  
to open books.

Election of Di-  
rectors.

**Sec. 2.** *Be it further enacted*, That, so soon as may

Route of road.

be convenient after said Company is organized; the Directors, or some agent by them appointed, shall proceed to designate and mark out the route of said road, which shall commence on the bank of the Mississippi River, in the town of Ashport, and thence, the nearest and most practicable route to the top of the Bluff, or high-lands, in the direction of Ripley.

Authorizing  
the purchase of  
the Ashport and  
Ripley Turnpike  
Co.'s road-bed.

SEC. 3. *Be it further enacted*, That said Company is hereby vested with full power and authority—instead of locating the route of the road as provided for in the second section of this act—to purchase the stock or interest of the private stockholders or proprietors in the Ashport Turnpike Company—who are hereby authorized to sell the same—in the old road-bed laid off by them, upon such terms and conditions as may be agreed upon by the parties; and, in the event of such purchase, then the stock of the State in said old Ashport Turnpike Company, is hereby ceded to said Ashport and Ripley Plank Road Company, upon their paying into the State Treasury the same amount which they have paid, or agreed to pay, the private stockholders or proprietors for their stock or interest therein. And it is hereby made the duty of the Comptroller of the Treasury to audit this claim whenever called upon to do so, and to receive in evidence the statement of disinterested witnesses in writing, sworn to before some Justice of the Peace, whose official character is certified to by some Clerk of the County Court; and issue his warrant payable to the Treasurer, for the sum found due from said Ashport and Ripley Turnpike Company, whose receipt for the amount therein named, shall vest said Company with all the stock, right and interest of the State of Tennessee in and to said old Ashport Turnpike Company.

Capacity of road  
—Toll-gate.

SEC. 4. *Be it further enacted*, That said road shall be at least sixteen feet wide at the top, and shall be raised above overflow at extreme high-water, and shall be covered with plank. When said road is completed to the top of the Bluff, or high-lands, the Company shall be authorized to erect a toll-gate.

Supply vacancies  
in Board.

SEC. 5. *Be it further enacted*, That the President and Directors, or any three of them, shall be sufficient to transact the business confided to them; and all vacancies happening in the Board between the regular meeting of the Stockholders shall be supplied by the Directors—two-thirds being present.

SEC. 6. *Be it further enacted*, That the Stockholders shall have the privilege of paying the amount of their stock, or any part thereof, in work upon the road, in its



construction, or in money, as the Company shall order; and in letting out contracts for building the road, the Directors shall give a preference to Stockholders who desire to take contracts; *provided*, such Stockholders will undertake such contracts upon as good terms as they can be let to others. May pay stock in lab. r.

SEC. 7. *Be it further enacted*, That said Company may increase their capital stock to one hundred thousand dollars, and continue their road to the town of Ripley. Increase capital stock.

SEC. 8. *Be it further enacted*, That, if any person or persons, over whose land said road may run, claim damages for the same, and he, she, or they, and the Company, cannot agree upon the amount, he, she, or they, may apply to the Circuit Court of Lauderdale County, at its next, or any subsequent term, by petition, setting forth the nature of the case; and the Court shall appoint a jury of five disinterested men to go upon the ground, after being sworn by the Sheriff, and assess the damages which in their judgment the petitioner has sustained by said road running over his, her, or their land, or through the land of his, her, or their ward, in case of minors; which assessment of damages shall be made out and signed by said jury, and returned to the next term of said Court, and a judgment shall be entered, and execution issued for the same, against the President and Directors, in favor of the person entitled to the same. In making out their report, the said jury shall take into consideration, the advantages of said road to the petitioner. The property in said road, when completed, shall vest said Company and their successors, for the purpose of a high-way, which shall be free for all persons, on the terms and conditions herein prescribed; and the same shall not be liable to taxation. Right of way.

SEC. 9. *Be further it enacted*, That the President and Directors may purchase, for the use of the Company, any quantity of lands, not exceeding twenty-five acres adjacent to each toll-gate, and take conveyance therefor to themselves and their successors in office; and for the purpose of making said road and keeping it in repair, the President and Directors, or their agents or servants, may cut, dig, quarry, and take from any land adjoining said road, any timber, gravel, stone or earth, as may be necessary for constructing and keeping said road in repair. If any person from whose land any timber may be taken shall conceive him, her, or themselves, injured, and the amount of damages cannot be agreed upon between him, her, or them, and the Company, the Powers of Directors in constructing road



matter shall be settled in the same manner prescribed in the 8th section of this act.

The payment of  
stock.

Sec. 10. *Be it further enacted*, That the President and Directors may from time to time, require such advances on the shares subscribed, as the wants of the Company may require: *Provided*, that no call be made for more than five dollars on each, at any one time—of which, twenty days' notice shall be given in writing, addressed to each Stockholder, at his nearest post-office; and if, at any time, a Stockholder shall fail to pay such instalments on his stock as may be called for, at the time and in the manner prescribed, the Board of Directors, at the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale to the highest bidder for cash—at least five days' notice of the time and place of sale being given to the Stockholder—and the number of shares so sold, shall be transferred by the President and Directors to the highest bidder, who shall, by virtue of such transfer, become a member of said Company; and if the same be not equal to the amount to be paid, and the call for which it was sold, the Company may proceed to collect the residue from the original Stockholder, by suit in any court or tribunal of the State, having jurisdiction thereof, and judgments rendered for instalments of stock shall not, if rendered by a Justice of the Peace, be subject to a stay of execution.

Forfeiture of  
stock.

Sec. 11. *Be it further enacted*, That, when said Company shall have completed said road to the top of the Bluff, or high-lands, and established one gate, as provided for in the 4th section of this act, they shall be authorized to demand and receive the following tolls, to wit:—For every loaded wagon, drawn by six horses, mules, or oxen, eighty cents; for every empty wagon, drawn by six horses, mules, or oxen, sixty cents; for every loaded wagon, drawn by five horses, mules, or oxen, seventy cents; for every empty wagon, drawn by five horses, mules, or oxen, fifty cents; for every loaded wagon, drawn by four horses, mules, or oxen, sixty cents; for every empty wagon, drawn by four horses, mules, or oxen, forty cents; for every loaded wagon, drawn by three horses, mules, or oxen, fifty cents; for every empty wagon, drawn by three horses, mules, or oxen, thirty-five cents; for every loaded wagon, drawn by two horses, mules, or oxen, forty cents; for every empty wagon, drawn by two horses, mules, or oxen, thirty cents; for every loaded wagon, drawn by one horse, mule, or ox, thirty cents; for every empty wagon, drawn by one

Rates of toll.

horse, mule, or ox, twenty cents ; for each loaded cart, thirty cents ; for empty cart, twenty cents ; for each four-wheeled pleasure carriage, sixty cents ; for each two-wheeled pleasure carriage, forty cents ; for man and horse, twenty cents ; for each horse or mule, not in a drove, ten cents ; for each horse or mule, in a drove, ten cents ; for each head of cattle, five cents ; each head of sheep, three cents ; for each head of hogs, three cents. And should said Company continue said road from the top of the Bluff, in the direction of Ripley, that so soon as an additional section of five miles is completed, they shall be authorized to establish another gate, at which they may demand and receive one-half the above tolls, and no more ; and when the remaining section is completed to the town of Ripley, they shall be authorized to establish a third gate, and charge the same tolls which are prescribed for the second gate.

SEC. 12. *Be it further enacted*, That if any person shall refuse to pay the toll hereby granted, at the time of offering to pass, the toll-gatherers may lawfully refuse the passage of such person or persons, or things subject to toll, as aforesaid ; or if any person, article, or thing, liable to toll, shall, by any means, pass without payment when demanded by the toll-gatherer, the Company may, by warrant from any Justice of the Peace, recover from such persons, or from the owner of the article or thing, or the person or persons in possession of the article or subject of toll, ten dollars.

To enforce payment of toll.

SEC. 13. *Be it further enacted*, That, if said Company shall not begin said road within two years after the passage of this act, and complete the same within five years thereafter, in the manner herein provided, this charter shall be forfeited.

Limit of time to complete road.

SEC. 14. *Be it enacted*, That the second section of an act passed March 2, 1854, entitled "An act to amend the charter of the Tennessee and Alabama Railroad Company," be so amended as to authorize the Stockholders in the said Railroad Company, who reside in the County of Lawrence, and who subscribed for stock before the second day of March, 1854, in said road, to transfer their said stock to the Branch Road from the town of Lawrenceburg to the main track of said Railroad : *Provided*, said main trunk line should be constructed west of said town, in the direction of Hamburg, on the Tennessee River.

Amending the charter of Tenn. & Ala. R. R.

SEC. 15. *Be it enacted*, That it shall be lawful for the County Court of Gibson County to subscribe stock in the Memphis and Ohio Railroad Company, either on the terms and conditions of the act passed January 16, 1852,

Gibson County may subscribe stock in R. R. Co.

entitled "An act to authorize and regulate County subscriptions for Railroad stock," or the act passed February 28, 1852, entitled "An act to incorporate the Nashville, Franklin & Columbia Railroad Company;" under which Lawrence, Maury, Williamson, and Davidson Counties, are authorized and empowered to subscribe for stock in Railroad Companies: *Provided, however*, that a majority of the votes cast in the election provided for in this section, shall be decisive of the question.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 141.

AN ACT to amend an act passed March 2, 1854, chapter 262, entitled An act to amend the Stone's River and Statesville Turnpike Company.

**SECTION 1.** *Be it enacted by the General Assembly of the* **Repeal.** *State of Tennessee,* That the 34th section of an act passed March 2, 1854, chapter 262, entitled An act to amend the Stone's River and Statesville Turnpike Company, be, and the same is hereby, repealed.

**SEC. 2.** *Be it further enacted,* That Adam C. Peck, and his associates, be, and they are hereby, created a body politic and corporate, under the name and style of the "Big Creek Turnpike Company," in Cocke County, for the term of fifty years from the passage of this act, for the purpose of opening a turnpike road from or near the mouth of Big Creek, to the North Carolina line, with the same rights and powers, and the right to collect the same rates of toll, and are subject to the same restrictions, as are granted to and imposed upon the Cumberland Gap and Bean Station Turnpike Road.

**SEC. 3.** *Be it further enacted,* That Tumps Wiliby, Luton Banks, Abraham Waddell, and Sol. Godesby, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Doe Creek and Railroad Company," by that name may sue and be sued; and that said Company have full power to build a turnpike road from Jonesboro to the Railroad in Jackson County, governed by the same rules and regulations, and entitled to all the benefits, of the Strawberry Plains Turnpike Road.

Incorporate Big  
Creek Turn-  
pike Co.

Incorporate Doe  
Creek Rail-  
road Co.

Sec. 4. *Be it further enacted*, That J. E. Chadwick and all others who may have associated with him, are hereby incorporated as a body politic and corporate, under the name and style of the "Memphis Hook and Ladder Company," with all the rights, powers, privileges, and exemptions, that belong to Memphis Invincible Fire Company, No. 5, or to any other fire company of Memphis. Memphis Hook and Ladder Company.

Sec. 5. *Be it enacted*, That its members shall be regulated by its own by-laws; it may have a seal, and it shall have succession for one hundred years.

Sec. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1853.

## CHAPTER 142.

AN ACT to amend an act passed January 12, 1852, and an act passed November 17, 1853, chapter 121, amendatory thereto, chartering a Turnpike Road from Tazewell to Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above recited acts be so amended, that hereafter it shall be the duty of the several County Courts of the Counties through which said turnpike road runs, to assign, from time to time, to the overseers on said turnpike road, such hands to work on said road as such courts may think right and proper, having due regard to other public roads contiguous to said turnpike road, and said overseers shall have only such hands so assigned to work said road. Duty of County Court in work-road.

Sec. 2. *Be it enacted*, That the overseers on said turnpike road, for any failure to keep in repair said road, shall be liable to presentment or indictment as other overseers now are for failing to keep in repair public roads. Duty of overseers.

Sec. 3. *Be it further enacted*, That on the failure of the Board of Commissioners to appoint overseers on said road, it shall be the duty of the several County Courts, through which said turnpike road runs, to appoint overseers on said road, who shall be bound to perform County Court appoint overseers.

all the duties of other overseers of public roads, and be liable to be dealt with as such.

**Terms of collecting tolls.**  
**Duty of Commissioners.**  
SEC. 4. *Be it enacted*, That it shall not be lawful for any gate-keeper on said road to collect tolls from passengers when said road has been permitted to remain out of repair for the space of fifteen days, at any one time, nor until said road is put in good repair; and it shall be the duty of the Commissioners, or some one of them, to pass over and inspect said road, at least once in every six months, and make report of its condition to said Courts.

**Vacancy in Board of Commissioners.**  
SEC. 5. *Be it enacted*, That in every case of vacancy in the Board of Commissioners of said turnpike road, it shall be lawful for the County Court in the County where such vacancy shall occur, to appoint a suitable person to fill such vacancy.

SEC. 6. *Be it enacted*, That all laws contrary to the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 143.

AN ACT to give Johnson and Carter Turnpike Company further time to complete said road, and erect a toll-gate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Johnson and Carter Turnpike Company shall be allowed the further time of five years to open and complete said turnpike road, from and after the passage of this act.

**Additional toll-gate.**  
SEC. 2. *Be it further enacted*, That as soon as said road is completed from John Dugger, Sr., in Johnson County, to the North Carolina State line, it shall be lawful for the above named Company to erect an additional toll-gate on that portion of said pike road, and charge toll at the rates now allowed, by law, to be charged at the gate now open on said road.

**Further time to Columbia and Campbellsville Turnpike Co.**  
SEC. 3. *Be it further enacted*, That the Columbia and Campbellsville Turnpike Company have the further

time of two years in which to complete their turnpike road.

SEC. 4. *Be it further enacted*, That the fifth section of an act passed February 14, 1854, chapter 234, be so amended as to give Robert Boles six years to complete his turnpike road, from and after the passage of this act. Robert Boles' Turnpike Road.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 3, 1856.

## CHAPTER 144.

AN ACT to incorporate the Alexandria and Rome Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers of stock for building a road from Alexandria, DeKalb County, to Rome, in Smith County, as in this act provided, shall constitute a body corporate and politic, by the name of the Alexandria and Rome Turnpike Company.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be ten thousand dollars, in shares of twenty-five dollars each; but if a greater sum shall become necessary to complete the road, the Board of Directors may raise the capital to the necessary amount: *Provided*, it shall not exceed thirty thousand dollars. Capital stock.

SEC. 3. *Be it further enacted*, That Edward Lawrence, James Barry, James Holmes, Duncan Johnson, F. P. Wood, Henry P. Bone, Jonathan Bailey, W. W. Seay, and Oliver D. Williams, are appointed Commissioners to receive subscription to the capital stock aforesaid. Commissioners.

SEC. 4. *Be it enacted*, That as soon as two thousand dollars are subscribed, the Commissioners shall appoint a meeting of the subscribers at Commerce, Wilson County, giving said subscribers for stock due notice of said meeting; at said meeting the Stockholders, or as many of them as shall assemble, shall elect seven Directors, each one of whom shall be a Stockholder; each shall have as many votes as he has shares, as well in the election of Directors as in all other matters in which, by this act, he may be entitled to vote; he may vote in person, or by proxy, the proxy be a Stockholder, author- Election of Directors.

ized in writing, conferring the general power, to vote as his representative, or a special power to cast his vote in the particular way directed.

SEC. 5: *Be it enacted*, That the Directors first elected shall continue in office until the first Saturday in September, 1856, when the second election shall be held; and ever afterwards elections shall be held on the same day every year, at Commerce, unless a majority of the Stockholders shall, at any meeting, designate a different place for the succeeding election. If, at any time, there shall be a failure to make an election, at the regular time, the Directors in office shall continue in office until their successors are duly elected.

SEC. 6. *Be it enacted*, That when assembled as aforesaid, on every occasion, in pursuance to the call of the Directors, the Stockholders may decide upon any matter of interest to the Company, and the Directors shall carry the same into effect.

Quorums.

SEC. 7. *Be it enacted*, That to constitute a quorum at any meeting of the Stockholders, a majority of shares shall be represented: *Provided*, that the Directors shall call meetings of the Stockholders whenever, in their opinion, the interest of the Company may require it, and that five Directors shall constitute a quorum for business.

Duty of Directors.

SEC. 8. *Be it enacted*, That on the election of the first Directors, they shall proceed to receive subscription for the necessary amount of stock, have the road surveyed, and do whatever else may be necessary and proper, to have said road built. They shall elect one of their number President, and shall elect such other officers as they may think necessary.

Installments.

SEC. 9. *Be it enacted*, That not more than five dollars shall be called on each share at any one time; of which the Stockholders shall have 'twenty days' notice.

Forfeited stock.

SEC. 10. *Be it enacted*, That if any Stockholder shall fail to pay any call, his stock may be sold by order of the Directors for the amount of the call or calls that may be due; and the purchaser of it shall have all the rights, and be subject to all the liabilities of the original subscriber. If it does not bring the amount, the original owner shall be liable to suit for the balance; and it shall be the duty of the President of the Board of Directors to cause suit to be forthwith instituted for the collection of said balance, under penalty of himself being personally liable for said balance, unless by order of the Board not to institute such suit.

SEC. 11. *Be it enacted*, That any person over whose land the road may run, may petition the Circuit Court,



whereupon the Court shall order the Sheriff to summons a jury of five frecholders, to assess the damages, taking into view the benefit the petitioners will derive from the road, or upon the return of the report to the Court, if confirmed judgment shall be rendered and execution shall issue. Right of way.

SEC. 12. *Be it enacted*, That timber, gravel, stone, or either may be taken by said Company, or its agents, from any land adjacent or convenient to the road, for the making and repairing thereof; or if damages are claimed therefor, they shall be recovered as provided for in section thirteen: *Provided further*, that the President and Directors may purchase and hold twenty-five acres of land adjacent to each toll-gate. Material for construction.

SEC. 13. *Be it enacted*, That said Commissioners may open books at Commerce, Alexandria, or such other places as they may think expedient to receive subscription for stock in said road, whenever they choose, either in money or work; and whenever the amount is subscribed as provided for in the second section of this act, the Commissioners shall lay off and mark said road, beginning within one mile of Alexandria, passing through the neighborhood of Edward Lawrence, James Holmes, Commerce, Salisbury, Goodhope Camp-ground, and intersecting the Lebanon and Trousdale Ferry Turnpike Road, near the residence of W. W. Seay, and from thence to Rome.

SEC. 14. *Be it enacted*, That the road shall be bedded twenty feet wide, with sufficient ditches, culverts, and bridges, to drain the water, and shall be cleansed of timber, at least eight feet on each side of the bed. The first coat of stone, or gravel to be at least fourteen feet wide, six inches thick, the second coat to be eight feet wide, six inches thick, and of the usual size that is used on turnpike roads—the road to be graded from two to five degrees. Capacity of road

SEC. 15. *Be it enacted*, That the Company shall be entitled to one gate for every five miles of the road; and when five miles of the road, is completed, at either end or both, may put up gates. There shall be no gate nearer than one mile of Alexandria or Rome. Toll-gate.

SEC. 16. *Be it enacted*, That the toll shall be as follows:—At each gate, one cent per head for hogs or sheep; two cents per head for cattle, or for horses or mules in a drove; for horses or mules not in a drove, nor employed in drawing, five cents per head, whether mounted or not; for every loaded wagon, twenty-five cents; every empty wagon, ten cents; every loaded cart, ten cents; every empty cart, five cents; for buggies, Rates of toll.

barouches, and other similar two-horse carriages, twenty cents; for one-horse buggies, and other similar vehicles for the conveyance of persons, ten cents; other vehicles for the transportation of goods or produce, ten cents.

Enforcing pay-  
ment of toll.

SEC. 17. *Be it enacted*, That no one shall be at liberty to pass any gate without paying the toll to which he is liable; or if he does, the gate-keeper may sue him in the name of the Company, before any Justice of the Peace, and recover five dollars, in addition to the amount of toll for which he is liable.

Repair of road.

SEC. 18. *Be it enacted*, That, on information given by any person, on oath, to any Justice of the Peace, that the road has been twenty days out of repair, the Justice shall issue a warrant to some Constable, or the Sheriff, against the nearest gate-keeper, or the President of the Directory, to appear before him, at a time and place therein specified, and also commanding him to summon three freeholders to appear before him, at the time and place, to investigate the complaint. If they find it true, the Justice shall give judgment that the nearest gate, or the two nearest gates, in his discretion, shall be opened and charge no toll until the road is duly repaired, and also for the cost of the proceedings. On due proof before the Justice, that the road is repaired, he shall order that the gate be again closed.

SEC. 19. *Be it enacted*, That the officer and justice shall be entitled to the same fees as for other similar services, and the jurors provided for in this act, shall be entitled to one dollar each.

Payment of  
stock in labor.

SEC. 20. *Be it enacted*, That the Stockholders, at their first meeting herein provided for, or at any other regular meeting of Stockholders, may determine whether they will receive subscription for stock, payable in work on the road or not; which determination shall be noticed on the books of the Company, and be binding on the Company.

Time allowed to  
build road.

SEC. 21. *Be it enacted*, That the Directors or Stockholders, when assembled, shall have power to pass all necessary by-laws, and that the Company shall have five years to build said road.

SEC. 22. *Be it enacted*, That Hezekiah Love, Thomas Lancaster, William Lancaster, John Lumberson, Yance Malone, and Thomas Driver, of Smith County, William Floyd, James Goodner, John F. Moore, and John F. Goodner, of DeKalb County, be, and they are hereby, appointed Commissioners to open books for subscription for stock, at such time and place as a majority of them may appoint, for the purpose of constructing a McAdam-

ized Turnpike Road from Alexandria to the top of the ridge, at the head of Wolf Creek, running through Lancaster, the nearest and most practicable route: *Provided*, that nothing in this act shall be so construed as to compel said Company to complete said road to the top of the ridge, at the head of Wolf Creek; but that said Company may stop at Lancaster.

Alexandria,  
Lancaster and  
Wolf Creek  
Turnpike Co.

SEC. 23. *Be it enacted*, That the Stockholders, and such as may become Stockholders, shall be, and they are hereby, constituted a body corporate, by the name of the Alexandria, Lancaster, and Wolf Creek Turnpike Company; and shall have, and enjoy, and possess all the rights, powers, and privileges, and subject to the conditions, limitations, and restrictions granted and imposed upon the Alexandria and Rome Turnpike Company, except so far as the provisions herein contained are inconsistent therewith.

SEC. 24. *Be it enacted*, That the subscribers, or a majority of them being present, may call a meeting, at such time and place as they may propose, for the purpose of electing a President and such other officers as may be necessary, according to the provision of the fourth section of this act.

Election of  
President,

SEC. 25. *Be it enacted*, That one gate may be erected for every five miles of road that is completed: *Provided*, no gate shall be erected on said road nearer than one mile of Alexandria or Lancaster.

Toll-gate.

SEC. 26. *Be it enacted*, That the subscribers for the stock hereinafter named, be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Spring Avenue Company;" and by that name may sue and be sued; plead and be impleaded; have succession for ninety-nine years; and do and perform all lawful acts for the purposes hereinafter specified.

Spring Avenue  
Company.

SEC. 27. *Be it enacted*, That said Company are hereby authorized and empowered to construct a McAdamized or gravel road, to commence at a point on what is known as Fatherland Street, on the north side of Cumberland River, and in the vicinity of the city of Nashville; said commencing point to be at or near the northern extremity of said Fatherland Street, as now opened, and said road to extend to a point in what is known as the Porter Turnpike Road, at or near the tract of land in said Davidson County, which has been laid off in lots and designated as Brownsville, a distance of between two and four miles.

SEC. 28. *Be it enacted*, That Wm. H. Johnson, Alexander J. Porter, Robert W. Brown, Hiram Vaughn, and

Commissioners  
and capital  
stock.

George Mañey, be, and they are hereby, appointed Commissioners to open books and receive subscriptions for stock in said road; and that the capital stock of said road shall not be less than three thousand, nor more than twenty thousand dollars, to be divided in shares of twenty dollars each.

Election of  
Board of Di-  
rectors.

SEC. 29. *Be it enacted*, That so soon as the sum of three thousand dollars shall be subscribed to the stock of said road, the stockholders of said road may, should they deem it proper, by the votes of a majority of the stock subscribed, organize themselves by the election of a Board of Directors, to consist of not less than three nor more than five, and may, by the votes of a majority of the Stock subscribed, pass all necessary rules and by-laws for the government of such Board of Directors; and upon the subscription of said sum of three thousand dollars of stock to said road, the subscribers for said stock may also proceed to locate and construct said road to the extent that the means subscribed will suffice. The location of such road to be determined as follows, to wit:—Each Stockholder shall be allowed one vote for each share of stock in said road for which he may have subscribed and shall own, and a majority of the votes thus cast shall determine the location of said road.

Location of road

Right of way.

SEC. 30. *Be it enacted*, That the County Court of Davidson County may appoint a Board of Commissioners, to consist of not less than three, nor more than five members, whose duty it shall be to ascertain and assess the damages of any person through whose land said road may pass; such board to be appointed on the application of any person claiming to be damaged by the location of said road, and the damages thus assessed may, so far as proper, be recovered from said Company.

Capacity of road

SEC. 31. *Be it enacted*, That said road shall not be less than thirty-five, nor more than fifty feet wide; that in its grade and construction, it shall be fully equal to what is known as the Nashville and White's Creek Turnpike Road; that a failure to commence the building of the same for more than two years from the passage of this act, shall be deemed a forfeiture of this charter; and that there shall be no toll demanded for travel on said road.

Memphis and  
Somerville T.P.  
Company.

SEC. 32. *Be it enacted*, That the charter of the Memphis and Somerville Turnpike Company be so amended as to allow said Company to abandon all that part of their road east of the town of Raleigh, and in lieu thereof, to erect a toll-gate at the east end of the bridge over Wolf River, (or to keep up that portion east of Raleigh, as a dirt road, with good and sufficient bridges and cul-

verts,) and to take down their second gate, and collect double toll at the second gate, which is located at the east end of the bridge over Wolf River; and the privilege is hereby granted to said Company, that in the event that they abandon that portion of their road east of Raleigh, to remove or dispose of all their buildings, fixtures, and real estate, on that portion so given up to the County Court of Shelbyville.

Memphis and  
Somerville T. P.  
Company.

• SEC. 33. *Be it enacted*, That this act take effect from and after its passage.

SEC. 34. *Be it further enacted*, That a Company, to be entitled the Tennessee Cotton Works Company, shall be, and is hereby, established, with a capital of three millions of dollars, which may be increased to five millions; that the stock of said Company shall be divided into shares of one hundred dollars each, but to be paid in as the Commissioners hereinafter named may direct or agree, or as the Board of Directors thereafter acting may direct and agree.

Tennessee Cot-  
ton Works Co.

SEC. 35. *Be it enacted*, That the subscribers for stock, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the Memphis Cotton Works Company; and by that name they may sue and be sued; plead and be impleaded; have a common seal, and succession for ninety-nine years; may hold any property needed in the prosecution of their business; may make all necessary rules and regulations for the government of the Company, not inconsistent with the Constitution and laws of Tennessee; and may exercise such other powers as are incident to manufacturing companies.

Memphis Cot-  
ton Works Co.

SEC. 36. *Be it enacted*, That the object and business of said Company shall be to manufacture, use, and make certain machinery, invented, and at present owned, by Parry W. Porter, and which, with barbed rods and spindles, and other devices, proposes to gin cotton from the seed, and by hand and horse power, to pick cotton from the field.

Objects of said  
Company.

SEC. 37. *Be it enacted*, That the said Parry W. Porter, the inventor of said machinery, is hereby appointed a Commissioner to open books for the subscription of stock to said Company: he shall have power to regulate the manner thereof, and direct in what manner the same shall be paid; and as soon as practicable, after said three millions of dollars are subscribed, or as soon after a sum is subscribed sufficient, in the opinion of said Commissioner, to prosecute successfully the objects of said Company, the said Company will organize; and until said organization is completed, the said Parry W.

Appoint Com-  
missioners.

Duties and pow-  
ers.

Porter may exercise any powers necessary to promote the rights, duties, and interests of said Company.

Board of Directors.

Sec. 38. *Be it enacted*, That the business of said Company shall be managed by a Board of five Directors, to be chosen by the Stockholders—each share of stock being entitled to one vote in the choice of said Directors. The Board of Directors shall elect a President, Treasurer, and Secretary, fix their salaries, and provide for such agents as their business shall require. The Directors and officers above named to be chosen annually; the old board of officers to hold over until after the new election transpires. The Board of Directors shall have power to establish agencies in such other States as they deem necessary.

Amend charter of the Bean's Station T. P. road.

Sec. 39. *Be it enacted*, That the laws regulating tolls on the Bean's Station Turnpike Company be, and the same are hereby, amended, so as to require all wagons, buggies, and other vehicles of pleasure, and all persons living out of the Counties of Grainger and Claiborne, passing over said road, to pay toll.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 144.

AN ACT to provide for the future management of the State Hospital, and for other purposes.

Leases the Hospital to Medical Faculty of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State Hospital, formerly the Lunatic Asylum, near the city of Nashville, with the grounds attached to it, be, and the same is hereby, conveyed to the Medical Faculty of the University of Nashville, for the period of ten years, from and after the passage of this act; and that it shall be the duty of said Faculty to construct such rules for its management as will make it efficient for the accommodation and relief of such persons as may become its inmates: *Provided*, that this conveyance shall not take effect until the expiration of the lease of the same property heretofore made, to the corporate authorities of the city of Nashville, or until the said authorities shall surrender the said proper-



ty to the Governor; which surrender they are hereby empowered to make at any time: *Provided*, that nothing in this act shall prevent the sale of the said property to the Federal Government, for the purpose of establishing a Marine Hospital.

Sec. 2. *Be it enacted*, That the Governor, the Secretary of State, the Comptroller of the Treasury, and the State Treasurer, be appointed a Board of Visitors to said Hospital, with power to examine into its administration, and report to the General Assembly of the State touching the existence of any abuses in its management.

Board of Visitors.

Sec. 3. *Be it enacted*, That it shall be the duty of said Medical Faculty to make reports to each General Assembly; and during the first month of its sessions, setting forth the matters of public interest connected with its management; and that said institution shall, at all times, be subject to visits and inspection of committees appointed by the Legislature.

Biennial reports.

Sec. 4. *Be it enacted*, That no dissection of dead bodies shall be permitted in said Hospital, or on its grounds; and that no one of its sick inmates shall be exhibited to students or others who may visit there for medical instruction, unless the assent of such sick patient be first had and obtained.

Regulation of Hospital.

Sec. 5. *Be it enacted*, That the Dean of said Faculty shall have and enjoy, in the management of said Hospital, all the rights, privileges, and immunities heretofore granted, in respect to the same institution, to the corporate authorities of the city of Nashville.

Management.

Sec. 6. *Be it enacted*, That the Dean of said Faculty shall give a bond, in the sum of twenty thousand dollars, to the Comptroller of the State, with such security as he may deem sufficient, for the faithful application of all funds appropriated by the State, or given by individuals, for the support of said institution.

Bond.

Sec. 7. *Be it enacted*, That all students of medicine, without distinction, shall be admitted on equal terms to all courses of instruction which, consistently with the well-being of the sick, may be given in said Hospital:

Sec. 8. *Be it enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

NEILL S. BROWN,

Speaker of the House of Representatives.

EDWARD S. CHEATHAM,

Speaker of the Senate.

Passed February 29, 1856.



## CHAPTER 145.

AN ACT to amend the act of 1825, chapter 56.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act of 1825, chapter 56, be so amended, that the Clerks of the Chancery Courts of this State, shall have all the benefits of said act that Clerks of the Circuit and County Courts now have, so as to enable them to purchase their blank books or record books, and have them paid for as the books of Clerks of the Circuit and County Courts now are.

SEC. 2. *Be it further enacted,* That hereafter the record books of the Supreme Courts in this State shall be paid for out of the State Treasury; and on the Clerk exhibiting to the Comptroller his account for record books bought and paid for by him, duly sworn to, it shall be the duty of said Comptroller to issue his warrant for the same.

SEC. 3. *Be it further enacted,* That the provisions of this act shall apply to the several Registers of the Land Office for books already furnished, or to be hereafter furnished.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 23, 1856.

## CHAPTER 146.

AN ACT for the benefit of the Tennessee Hospital for the Insane.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the annual tax of one and one-half cents imposed on each hundred dollars' worth of taxable property in the State of Tennessee, under the provisions of the first section of an act passed on the 5th day of January, 1854, entitled An act to enable the Trustees of the State Hospital for the Insane in Tennessee, to extend and complete the same, and for other purposes, be, and the same is hereby, continued for the years 1856 and 1857; and the funds arising therefrom shall be placed to the credit of the said institution, by the Comptroller and Treasurer of the State, to be used by the Trustees in completing and furnishing said build-

ing, according to the plans heretofore made out and submitted by the architect: *Provided*, the whole amount used in completing and furnishing said building shall not exceed, in any event, the sum of forty thousand dollars: *Provided also*, that if the remaining twenty thousand dollars is not used in the purchase of said land, it shall remain in the Treasury of the State; and should there be any balance remaining after the completing and furnishing of said building, such balance to be appropriated by the said Trustees, in the purchase of two hundred acres of land, lying in the vicinity of the institution: *Provided, however*, that the whole amount authorized to be used for the purpose above specified shall not, in any event, exceed sixty thousand dollars.

Purchase of additional ground.

SEC. 2. *Be it further enacted*, That each Senatorial District in the State of Tennessee, shall be entitled to send four pauper patients to said institution, instead of two, as now provided by the laws in force.

Additional pauper patients.

SEC. 3. *Be it further enacted*, That the Superintendent of the institution shall, in receiving pay patients, apportion the same for the benefit of the whole State, as near as may be practicable.

SEC. 4. *Be it further enacted*, That the usual annual appropriation of eight thousand dollars, be increased to (\$15,000) fifteen thousand dollars, to defray the current and ordinary expenses of said institution for the insane; and the same is hereby made, and ordered to be paid as directed by the laws heretofore passed, and for the purposes heretofore specified, out of any moneys in the Treasury not otherwise appropriated.

Annual appropriation.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 7, 1856.

## CHAPTER 99.

AN ACT to amend the act of 1811, chapter 76.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases in which, by said act of 1811, chapter 76, original grants are authorized to be registered, copies of said original grants may be registered, *provided* the same are authenticated according to law; and when so registered and duly certi-

Authenticated copies of original grants may be registered.

fied, the same shall be received as good evidence in all the Courts of this State.

Sec. 2. *Be it further enacted*, That it shall be lawful for the Clerk of the Circuit Court, and the Clerk of the County Court of Hamilton County, and also the Clerk and Master of the Chancery Court at Harrison, each, to appoint a deputy, who may reside at Chattanooga, in said County; and who, when qualified as required by law, shall have the power and authority to perform any official act in the name of the principal, which may be done by deputy clerks under the laws of this State.

Clerks of Circuit and County Courts of Hamilton and Chancery Courts at Harrison, may appoint Deputies.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 146.

**AN ACT for the benefit of Children in Fractional Townships, where any Township is divided by County lines.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, whenever any township of school land is divided by the County line or lines of any County or Counties in this State, the Commissioners of the township so divided, shall take a list of all children stricken off by any County line; and on application of the Treasurer of the School Commissioners of the school district in which said fractional township shall be included, said Commissioners shall pay to him such portion of the funds arising from said townships as would rightfully belong to said children did they reside in the proper County to which said township belongs.

Sec. 2. *Be it enacted*, That the Treasurer shall pay over said fund to the Commissioners of his district; said fund when drawn, to be applied for the benefit of the children residing in said fractional township.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 149.

AN ACT to amend an act entitled "An act to establish a Criminal Court in the County of Davidson," passed January 27, 1842.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act passed January 27, 1842, entitled "An act to establish a Criminal Court in the County of Davidson," which requires the Clerk of the Circuit Court of Davidson to attend said Criminal Court and perform the duties of Clerk thereof, be, and the same is hereby, repealed.

SEC. 2. *Be it enacted*, That hereafter a Clerk for said Criminal Court of Davidson County, shall be elected by the voters of said County, for the same term of years, and at the same time, that Clerks of the Circuit Court are now elected by law. The said Clerk shall perform all the duties as Clerk of said Criminal Court, and receive the same fees and compensation therefor as now allowed by law. He shall execute bond, with security, in the sum of five thousand dollars, to be approved by the Court, conditioned for the faithful performance of the duties of his office, and the payment to those entitled of all fines, forfeitures, and other moneys coming into his hands by virtue of the same; and he shall be liable upon said bond, by motion or otherwise, in the same manner that Clerks of the Circuit Courts are now made liable.

Criminal Court  
Clerk.

Duties and pow  
ers.

SEC. 3. *Be it enacted*, That all the records and other papers belonging to said Criminal Court of Davidson County, now in the possession of the Circuit Court Clerk of said County, shall be delivered to the said Clerk of the Criminal Court upon his being installed into office after the first election, which shall take place at the next election for Clerks of the Circuit Courts.

Records.

NEILL S. BROWN,

*Speaker of the House of Representatives*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 19, 1856.

## CHAPTER 150.

AN ACT to establish a Chancery Court at Taylorsville, in the County of Johnson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Johnson

By whom to be  
held.

shall constitute a separate Chancery District, and the Court for the same shall be held by the Chancellor for the Eastern Division, at Taylorsville, on the third Mondays of April and October in each and every year. The Chancellor shall appoint a Clerk and Master, and organize at the first term.

Transfer of suits

Sec. 2. *Be it further enacted*, That it is hereby made the duty of the Chancery Court at Elizabethton, upon the application of either of the parties, to order the causes of citizens of Johnson County, now pending in the Chancery Court, at that place, to be transferred to the Chancery Court hereby established at Taylorsville; and upon such order being made, in any case, it shall be the duty of the Clerk and Master of the Court at Elizabethton, to make out a transcript of whatever orders may have been made in the case, to transmit the same, with all the original papers in such cases, to the Clerk and Master of the Court at Taylorsville, who shall receive and file the same, and enter the case upon the docket of his Court; and said Court at Taylorsville shall have jurisdiction and dispose of said causes so transferred.

County of Lau-  
derdale.

Sec. 3. *Be it further enacted*, That so much of an act, passed at the present session of the General Assembly of the State of Tennessee, as detaches the County of Lauderdale from the Tenth Judicial Circuit, and annexes it to the Eleventh Judicial Circuit, be, and the same is hereby, repealed.

Deputy Clerk of  
the Davidson  
County Crimi-  
nal Court.

Sec. 4. *Be it further enacted*, That the Clerk of the Criminal Court of Davidson County is hereby authorized and empowered to appoint a deputy; and his acts, as such, are hereby legalized and made valid, in as full extent as though done by the Clerk himself; his salary to be paid by the said Clerk out of the fees of his office.

Circuit Court of  
Polk County.

Sec. 5. *Be it further enacted*, That the second section of the act of 1856, entitled "An act to change the time of holding the Circuit Court in the Counties of Meigs and Polk, in the Third Judicial Circuit, in the State of Tennessee," passed the 26th January, 1856, be so amended, that hereafter the Circuit Court for the County of Polk, shall be opened and held on the third Monday of January, May, and September, in each and every year; and said Court shall continue its session two weeks at each term, if the business of the Court shall require it.

Circuit Court of  
Giles

Sec. 6. *Be it enacted*, That hereafter the Circuit Courts for the County of Giles shall be holden on the first Mondays in April, August, and December in each year: *Provided*, that the next term of the Circuit Court of Giles

County shall be held, as heretofore, on the fourth Monday in February, 1856.

SEC. 7. *Be it further enacted*, That the Chancery Court for the County of Giles shall hereafter be held on the first Mondays in March and September, and that two weeks be allowed for holding said Court at each term.

Chancery Court  
of Giles.

SEC. 8. *Be it further enacted*, That the Chancery Court for the County of Marshall shall hereafter be holden on the first Wednesday after the third Monday in February and August, in each year.

Chancery Court  
of Marshall.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 21, 1856.

## CHAPTER 151.

\*AN ACT to incorporate the Fulton Plank Road Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized, for the purpose of constructing a plank road and turnpike from Fulton, in Lauderdale County, in the direction of Ripley and the Forked Deer Turnpike Road, to be known and designated as the "Fulton Plank Road and Turnpike Company."

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be one hundred thousand dollars, in shares of fifty dollars each, and may be increased to two hundred thousand dollars, when the Directory of said Company may deem it expedient, and the subscriptions to the stock shall be paid in such instalments as the Board of Directors may, from time to time, require, after due notice given in some newspaper for thirty days before any instalment thus ordered to be paid may become due.

Capital stock

SEC. 3. *Be it enacted*, That James L. Green, Norman F. Cheny, Hiram Partee, Dr. Samuel Oldham, Edmund Fitzpatrick, and David M. Henning, be appointed Commissioners to open books and receive subscriptions to the

Appointment of  
Commissioners.

capital stock of said Company, who, or a majority of whom, shall cause books to be opened at Ripley, Woodville, Dinhamville, and Fulton, on the third Monday in February, 1856, and kept open for one month or more, until the amount of five hundred shares shall have been subscribed, when the Company shall be considered as formed and having a corporate existence; and it shall be the duty of said Commissioners immediately to notify the subscribers of this fact; and by advertisement in two newspapers, to call a meeting of the Stockholders at Ripley, within thirty days, for the purpose of completely organizing the Company.

Election of Directors.

SEC. 4. *Be it enacted*, That when a majority of the Stockholders shall be assembled, either in person or by proxy, they shall proceed to the election of a Board of five Directors, to manage the affairs of the Company, who shall hold their office until their successors shall be chosen. The Directors, when chosen, shall proceed to elect one of their number President of the Company and of the Board, whose signature shall be sufficient to authenticate all acts and obligations of the Company, and shall be binding in all contracts, with the sanction of a majority of the Board; and in case there be a tie in the Board, the President shall have the casting vote on all questions.

Secretary and Treasurer.

SEC. 5. *Be it enacted*, That the Board of Directors shall also appoint a Secretary and Treasurer of the Board, who shall keep an accurate record of their proceedings, and of their receipts and expenditures; and in case of the absence or inability of either the President or Secretary, at any meeting, the Board shall have authority to make *pro tem.* appointments to fill the vacancy. They shall also have power to appoint engineers, and all such other agents and servants, as they may deem necessary to the proper carrying out of the design and management of the affairs of said Company; they shall also have authority to re-open the books for subscription, at such times and places as they may deem expedient, until the amount of subscriptions authorized by this act shall be received, and shall call a general meeting of the Stockholders upon the requirement of those representing one-half the stock. The regular meetings of the Stockholders, for the purpose of electing Directors, shall be annual, at such place as may be previously fixed and advertised by the Board.

Engineers, &c.

Terms of subscription.

SEC. 6. *Be it enacted*, That the Company shall receive subscriptions in land or other property on such terms and conditions as may be agreed upon between the Board and the party making the subscriptions, and



shall have authority to hold and convey property, real, personal, and mixed.

SEC. 7. *Be it enacted*, That said Company shall have common real succession of members for ninety-nine years; and shall have and use a common seal, or instruments may be authenticated by the President of the Board.

SEC. 8. *Be it enacted*, That when any question shall arise between the owner of any lands, or his or her agent, and the Company, the controversy shall be solved in the same manner, and on the same principles, as is provided in the charter of the Nashville and Chattanooga Railroad Company; and the Fulton Plank Road Company shall have the power to sue and be sued, plead and be impleaded, as other corporations in this State; and shall have power to make and alter all necessary by-laws, rules, and regulations.

SEC. 9. *Be it enacted*, That said Company shall have authority to receive tolls at each gate, at the rate of five cents for a man and horse; three cents for a loose horse, mule, ox, or cow; and one cent for each hog or sheep; twenty cents for each loaded, and fifteen cents for each empty wagon; twenty-five cents for each four-wheeled pleasure carriage, and fifteen cents for each two-wheeled carriage or cart; and may have one gate two miles from the river, at Fulton, and at intervals of five miles on the whole road, as it may be completed.

SEC. 10. *Be it further enacted*, That the charter of the Dyerburg and Mississippi River Turnpike and Plank Road Company, be so amended as to authorize said Company to purchase and hold real and personal estate, so far as the same may be necessary for the object of said corporation, and the same to convey, by the deed of any officer of said Company, who may be authorized by resolution of the Board of Directors.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 152.

AN ACT to provide for the gradual enlargement of the Library of this State, and for the custody of the same, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five hundred dollars a year is hereby appropriated to make additions to the State Library; and the Librarian shall superintend the object of this appropriation.

SEC. 2. *Be it enacted*, That no map, chart, or engraving, shall be taken from the Library, by any person, nor any book, except by the members of the General Assembly, during its session; in which case, a check shall be left with the Librarian, for each volume taken out.

SEC. 3. *Be it enacted*, That the Library shall be kept open to the public every day in the year, except holidays.

SEC. 4. *Be it enacted*, That the Librarian shall, by means of exchanges as far as practicable, complete the imperfect sets of the statute laws and reports of the United States, and of the States and Territories of the Union, already in the Library, and shall continue the same from year to year; and he shall keep these books separate from the miscellaneous library, so as to be accessible to the Judges of the Supreme Court, and the counsel attending the same; but shall not permit them to be taken from the Library, except to the apartment in which the Court sits, and to the consultation room of the Judges; and that the members of the Legislature shall have the privilege of carrying the books to their respective rooms, while the Legislature is in session.

SEC. 5. *Be it enacted*, That Return J. Meigs is, hereby appointed Librarian, to hold his office at the pleasure of the General Assembly; and his salary as Librarian, shall be five hundred dollars, payable quarterly.

SEC. 6. *Be it further enacted*, That the Comptroller of the Treasury audit the accounts of the Public Printer, for all printing authorized by this General Assembly, according to the rates specified by law, and issue his warrant for the same, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 7. *Be it further enacted*, That the President and Directors of the Principal Bank of Tennessee, at Nashville, are hereby authorized to fix the compensation of the officers of said Bank and Branches: *Provided*, the salary of the President of the Parent Bank shall not exceed two thousand dollars; the Cashier of the Principal Bank shall not exceed three thousand dollars; the Teller of the Principal Bank shall not exceed two thousand five hundred dollars;

the salary of each Clerk of the Principal Bank shall not exceed one thousand eight hundred dollars; the salary of the Cashier of any Branch Bank shall not exceed one thousand five hundred dollars; the salary of the President of any Branch Bank shall not exceed one thousand dollars, and the salary of any Clerk of a Branch Bank shall not exceed six hundred dollars.

SEC. 8. *Be it further enacted*, That the Comptroller of the Treasury be allowed fifty cents for signing the coupon bonds of the State, to be paid by the Railroad Companies; and that this act take effect from and after its passage. Comptroller.

SEC. 9. *Be it further enacted*; That it shall be the duty of the State Bank and Branches, to state in their annual reports, the amount of notes and bills, at exchange that may have been discounted, for each County in their banking district, for the previous year. State Bank and Branches — Re-

NEILL S. BROWN,

*Speaker of the House of Representatives*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed March 1, 1856.

## CHAPTER 153.

**AN ACT** to provide an annual sum for the support and maintenance of the Institution for the Education of the Deaf and Dumb, at Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, in addition to the appropriation made by the 11th section of an act passed February 3, 1850, entitled "An act to establish Ravenscraft College, and for other purposes," the further sum of eight thousand dollars be, and the same is hereby, annually appropriated, out of the Treasury of the State, for the years 1856 and 1857, to the Deaf and Dumb Asylum at Knoxville, to be paid to the Trustees of said Institution, upon the warrant of the Comptroller, in instalments every six months, and the first instalment to be paid on the first day of July, 1856. Annual appropriation.

SEC. 2. *Be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, annually

Memphis Hos-  
pital — Annual  
appropriation.

appropriated, out of the Treasury of the State, to the Memphis Hospital, for the years 1856 and 1857, to be paid to the Treasurer of the Board of Trustees thereof, upon the warrant of the Comptroller of the State, by instalments every six months, and the first instalment to be paid on the first of July, 1856.

Manner of ex-  
pending appro-  
priation to Deaf  
and Dumb Asy-  
lum.

SEC. *Be it further enacted*, That the appropriation to the Deaf and Dumb Asylum, shall not be expended in the erection of buildings for work-shops, but shall be appropriated to the support of the Institute, and for no other purpose; and the Trustees shall make their report to the next Legislature, in what manner, and for what purposes, said moneys have been appropriated; and no more of the said appropriation shall be drawn out of the Treasury, than is necessary to support the Institute.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 154.

AN ACT for the sale of the Memphis Hospital Grounds and Buildings, and for other purposes.

Provides for  
five Commis-  
sioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, for the purpose of a sale of the Memphis Hospital grounds and buildings, and a re-investment of the proceeds arising therefrom, in the purchase of other more appropriate and eligible grounds, and the erection of more suitable and commodious buildings and necessary fixtures thereon, the Board of Mayor and Aldermen of the City of Memphis be, and they are hereby, authorized, empowered, and directed, to appoint five Commissioners, who, when appointed and acceptance given, shall enter into a bond of ten thousand dollars, made payable to the State of Tennessee, conditioned that they will faithfully, honestly, and impartially, execute the provisions of this act; and, also, severally take an oath, well and truly to carry out the objects of their appointment, and will, in no wise, di-

rectly or indirectly, be concerned in the purchase of, or speculation in the sale of, the aforesaid Hospital grounds or buildings, under and by virtue of their authority.

SEC. 2. *Be it enacted*, That the aforesaid Commissioners, when so appointed, and having complied with the conditions annexed, are authorized, empowered, and directed, to sell the Memphis Hospital grounds and buildings, in such manner upon such terms, and at such times, as to them may best carry out the spirit and intent of the provisions of this act: *Provided, however*, they retain possession of the Hospital buildings for hospital purposes, until a re-purchase and erection of other buildings necessary for applicant subjects of hospital benefits and accommodations; and that when said buildings shall have been effected, they are hereby authorized and directed to re-invest the proceeds arising from said sale, in the purchase of more appropriate and eligible grounds, and the erection of more suitable and commodious buildings, and necessary fixtures thereon: *Provided, however*, that the re-investment shall not exceed the proceeds of sale; and *provided, further*, that the provisions of this act shall in no wise, change, alter, or modify, existing laws, heretofore passed in relation to the Memphis Hospital.

Duties of Commissioners.

SEC. 3. *Be it enacted*, That said Commissioners make a full statement of their proceedings in detail to the next General Assembly of the State of Tennessee, and that this act take effect and be in force from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 155.

AN ACT to amend the thirteenth section of an act entitled An act, passed 1804, chapter 1, in relation to Public Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the thirteenth section of an act entitled An act, passed 1804, chapter 1, be so amended,

that where any person or persons that have, or may hereafter, either change or turn a road, and the overseer and a majority of the hands having charge of said old road shall accept the same, and it being made appear that the new road is put upon ground compatible with the interests of the traveling community, the fine so imposed in said act, which this is intended to amend, shall not be enforced.

*Sec. 2. Be it further enacted* That no person or persons shall turn any road on the lands of another, under this act, without his, her or their consent: *Provided*, that when a Jury of View may be notified to alter, change, or lay off any road through the lands of another, the owner, or owners, or person in possession of said lands, shall be notified of said proposed change or location, by the parties applying, or the officer in whose hands the order may be.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 156.

*AN ACT to change the time of holding the Circuit Courts in the Counties of Meigs and Polk, in the Third Judicial Circuit, in the State of Tennessee.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That*, from and after the first Monday of February, 1856, the Circuit Court for the County of Meigs, shall be opened and begin on the fourth Monday of April, August, and December, in each year.

*SEC. 2. Be it further enacted, That*, from and after the third Monday of February, 1856, the Circuit Court for the County of Polk, shall be opened and begun on the fourth Monday of May, September, and January, in each year, and said Courts shall continue two weeks at each term, if necessary to dispose of the business.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 26, 1856.

## CHAPTER 157.

AN ACT to change the time of holding the Chancery Court at Elizabethton, and to attach Lauderdale County to the Eleventh Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court at Elizabethton shall, hereafter, be held on the second Mondays of January, and the first Monday of August, instead of the fourth Mondays of May and November; and that all laws coming in conflict with this act, are hereby repealed; and, that this act shall take effect from and after its passage.

SEC. 2. *Be it further enacted*, That the County of Lauderdale shall be attached to the Eleventh Judicial Circuit; and that the Circuit Courts of said County shall hereafter be held on the third Mondays of March, July and November.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 158.

AN ACT to change the time of holding the Circuit Court at Manchester, in Coffee County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts for Coffee County shall hereafter be held on the fourth Monday in February, June and October, in each year; *provided*, that the term immediately succeeding the passage of this act, shall be held as now required by law.

SEC. 2. *Be it further enacted*, That the Circuit Court for the County of Sumner, now held by the Judge of the Sixth Judicial Circuit, be, and the same are hereby, transferred, and shall hereafter be held by the Judge of the Criminal Court, composed of the Counties of Rutledge, Davidson, and Montgomery.

Circuit Court of Sumner.

SEC. 3. *Be it further enacted*, That the Chancery Courts of the Western Chancery Division, shall be held at the places heretofore established by law, and that the time of holding the same shall be as follows:—For the

Chancery Court of the Western Chancery Division.



Counties of Henry, on the first Mondays in January and July; Weakley, on the second Mondays in January and July; Obion, on the third Mondays in January and July; Dyer, on the Thursdays after third Mondays in January and July; Gibson, on the third Mondays in June and December; Fayette, on the second Mondays in May and November; Tipton, on the fourth Mondays in May and November; Hardeman, on the first Mondays in June and December; Lauderdale, on the second Mondays in June and December; Madison, on the third Mondays in February and August; Haywood, on the fourth Mondays in February and August.

Circuit Courts  
of Madison and  
Haywood.

Sec. 4. *Be it further enacted*, That the Circuit Court in the County of Madison, shall hereafter be held on the first Mondays of January, May, and September; and the Courts in Haywood shall be held on the first Mondays in March, July, and November; and all writs, process, recognizances, shall be returnable to the terms to be held under this act.

Attaches De-  
catur to the 10th  
Circuit.

Sec. 5. *Be it enacted*, That is, hereby, attached to the Te State; and the Courts for said the third Mondays in Janua and all process issued by the be returnable at the times fixed for holding said Courts by this act.

Decatur  
it of this  
held on  
ptember;  
ourt shall

Circuit Court  
of Van Buren  
County..

Sec. 6. *Be it further enacted*, That, from and after the next term of the Circuit Court in Van Buren County, the Circuit Court in said Van Buren County, shall be held on the fourth Mondays in January, May, and September; and all laws coming in conflict with the provisions of this law be, and the same are hereby, repealed.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 159.

AN ACT to amend an act passed February 1, 1852, entitled "An act to change the lines dividing the Counties of Perry and Wayne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed February 21, 1852, to change the line between the Counties of Wayne and Perry, be so amended that the line dividing said Counties, shall begin at a point on the Tennessee River, west of the north-west corner of a tract of land owned by D. W. Carroll, and lying on the Tennessee River, and immediately below the mouth of Beech Creek; running thence to the north-east corner of said tract of land; thence, in a north-east direction, to the nearest point of the dividing ridge, between Beech and White Oak Creeks, to the line fixed by the act which this is intended to amend; thence, east with said line to its beginning;—and that this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 160.

AN ACT to amend an act passed February 28, 1835, to establish a Common Law and Criminal Court in Obion County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act entitled "An act to establish a Common Law and Criminal Court west of the Reel Foot Lake, in Obion County, passed November 28, 1855, be amended as follows:

SEC. 2. *Be it enacted*, That the third section of said act be so amended that the said Common Law and Criminal Court shall be held on the second Mondays in March, July, and November. Times of holding Court.

SEC. 3. *Be it enacted*, That the fourth section of said act be, and the same is hereby, repealed. Repeals 4th section.

SEC. 4. *Be it enacted*, That the fifth section of said act be so amended that the Sheriff or Coroner of Obion County, shall open and hold an election at the various voting places, west of the Lake, on the first Saturday in Election of Clerk—Notice.

March next, by giving five days' previous notice, at one or more public places, in each civil district within the jurisdiction of said Court, but ever afterwards, he shall give the usual notice made and provided by law in the election of Circuit Court Clerks, for the purpose of electing a Clerk for said Court, who shall be subject to all the liabilities, and perform all the duties common to the office of Circuit Court Clerk in this State; said Clerk shall be entitled to the fees of his office as other Circuit Court Clerks are; said Clerk shall be elected by the qualified voters residing west of Reel Foot Lake, in Obion County, under the same rules and regulations governing the election of Circuit Court Clerks, in this State, and that, hereafter, the Circuit Court Clerk of Obion County, shall be elected by the qualified voters residing east of said Reel Foot Lake, in Obion County.

County Court  
select jurors.

SEC. 5. *Be it enacted*, That the County Court of Obion County be required to select the regular venire of jurors for each term within the jurisdiction of said Common Law and Criminal Court, as herein defined; and that, upon the trial of all criminal causes arising within same jurisdiction, said Common Law and Criminal Court may direct the Sheriff to summon jurors any where within the body of said County of Obion.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 6, 1856.

## CHAPTER 161.

AN ACT to alter the County lines of Maury and Marshall; to change the lines between the Counties of Jefferson and Grainger; to change the line between the Counties of Lincoln and Franklin; to change the line between the Counties of Davidson and Rutherford; and, also, the lines between the Counties of Anderson, Morgan, and Roane.

Maury and Mar-  
shall.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County lines of Maury and Marshall be so altered as to include within the County of Marshall, James Old.

Jefferson and  
Grainger.

SEC. 2. *Be it further enacted*, That the County line between Jefferson and Grainger be so changed as to

include the farm of Charles E. Eckle in the County of Jefferson.

SEC. 3. *Be it further enacted*, That the County line between the Counties of Maury and Marshall be so changed as to include the residence and plantation of James M. Reynolds and George W. Willis in the County of Maury. Maury and Marshall.

SEC. 4. *Be it further enacted*, That the County line between the Counties of Marshall and Maury be so changed as to include the lands of George Whitson in the County of Marshall.

SEC. 5. *Be it further enacted*, That the County line between Lincoln and Franklin be so changed as to include the farm of Allen Johnson in the County of Franklin. Lincoln and Franklin.

SEC. 6. *Be it further enacted*, That the County lines of Davidson and Rutherford be so changed as to include the farm of Nathaniel C. Carter in Rutherford County. Davidson and Rutherford.

SEC. 7. *Be it further enacted*, That the County lines between the Counties of Anderson, Morgan, and Roane, be so changed as that the farms of Moses C. Winters and L. Rutor be taken into the County of Roane; and any law coming in conflict with the provisions of this act be, and the same is hereby, repealed Anderson, Morgan and Roane.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 162.

AN ACT to change the County line between the Counties of Lewis and Maury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of Maury and Lewis be so changed as to run as follows, to wit:—Beginning at a black ash corner near Mrs. Maxwell's spring, in Maury County; running thence east, three hundred and eight poles to the north-east corner of McDonald's one hundred and forty-nine acre tract; hence south, two hundred and twelve poles to Martin's corner; thence east, five hundred and eighty-nine poles Boundaries.

along R. M. Cooper's north boundary line to the said Cooper's north-east corner; thence south, one hundred and seventeen poles to the present County line, near the head of Hunter's mill-pond; thence west, and with the present County line to the beginning.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Attaches two  
districts to Ham-  
ilton County  
from Bledsoe  
and Marion.

SEC. 3. *Be it further enacted*, That the tenth civil district of Bledsoe County, and the first and second civil districts in Marion County, be attached to the County of Hamilton.

SEC. 4. *Be it further enacted*, That the forgoing section shall not take effect until the 21st September, 1857.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 163.

AN ACT to amend the acts incorporating the town of Gallatin, in the County of Sumner, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Gallatin are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the town of Gallatin," and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property, real and personal, within said town, or without its limits; and may sell, lease, or dispose of the same, for the benefit of said town; and may make such contracts for railroad depots, public grounds, and promenades, as may be deemed beneficial to said town; they shall have and use a common seal, and change it at pleasure.

SEC. 2. *Be it enacted*, That the officers of the town shall consist of a Mayor, Board of Aldermen, Recorder and Treasurer, High-Constable, and such other officers as may be provided for by the by-laws and ordinances of said corporation.

SEC. 3. *Be it enacted*, That the Mayor and Aldermen shall be elected by the qualified voters of said town, and shall hold their offices for one year, and until their successors shall be elected and qualified; and where two or more persons shall have an equal number of votes for either office, the election shall be determined by a majority of the votes of the Council elect. A vacancy, whether temporary from absence or otherwise, shall be supplied in the same manner. The Mayor may fill all vacancies occurring in any office, except that of Alderman, until the same can be filled by election. Vacancies, either of Mayor or Alderman, by death, removal, or resignation, shall be filled by the votes of a majority of the Board present at a meeting. The Mayor shall preside at all meetings of the Board; take care that all ordinances of the town are duly enforced; to take an oath of office before entering upon the duties of the same; and to call special sessions of the Board when he may deem it expedient.

Election of Mayor  
or and Aldermen.

Vacancies.

Duties of Mayor

SEC. 4. *Be it enacted*, That the Board shall have full power and authority to appoint such officers, servants, and agents, of the corporation as they may deem necessary, and shall provide for by ordinances. They shall fix the compensation of such officers, from time to time; and shall have power to dismiss any officer, servant, or agent, by them appointed—two-thirds of said Board concurring in said dismissal.

Appointed officers.

SEC. 5. *Be it enacted*, That an election for Mayor and Aldermen, shall be held at the court-house in Galatin—or at such place or places in its limits, as may be fixed by ordinance of the corporation—on the first Saturday in December, in each year; or upon such other day as the Board may determine by ordinance; said election to be held by the High-Constable, Sheriff, or Coroner, or any Constable of the County, or such other person as may be designated by ordinance or by-law; and said Sheriff, or other officer, to hold the election under the existing laws in reference to State elections. The result of the election shall be certified to the existing Mayor, who shall lay it before the Board, at the first meeting thereafter; and, on the first Saturday in January, of each year—unless altered by an ordinance of the corporation—the Mayor and Aldermen elect, shall enter upon the duties of their respective offices. The present Board shall continue in office until their successors are appointed and qualified. In all cases of a tie in the election of an Alderman, the Council that are elect, shall choose from among those thus tied.

Elections

Aldermen —  
qualification.

**Sec. 6. *Be it enacted,*** That the number of Aldermen to be elected shall be seven, unless increased hereafter by ordinance of the corporation. No one shall be elected Alderman unless he is a *bona fide* citizen of the town. Before entering upon the duties of their offices, they shall be qualified by a Justice of the Peace of the County, who shall administer to them an oath to support the Constitution of the United States, and of the State of Tennessee; and to discharge well and truly, to the best of their ability, the duties of Aldermen.

Election of Recorder, Treasurer, High-Constable—Quorum of Board.

**SEC. 7. *Be it enacted,*** That the Recorder and Treasurer, and High-Constable, shall be elected annually, at the first meeting of the Board, unless otherwise ordered, by the votes of a majority of the quorum present—which quorum shall not consist of less than five—and shall enter into bond with security, for the faithful discharge of the duties of their respective offices. In the transaction of all other business, a majority of the Aldermen shall be competent to act, except on the levying of taxes, when five shall constitute a quorum.

Powers of Mayor and Aldermen.

**SEC. 8. *Be it enacted,*** That the Mayor and Aldermen shall have power, by ordinance, within the town—

1. To levy and collect taxes upon all property taxable by law for State purposes.

2. To levy and collect taxes upon all privileges and polls taxable by the laws of the State: *Provided*, that the poll-tax shall not exceed five dollars annually.

3. To appropriate money, and provide for the payment of the debts and expenses of the town, by a levy of a special tax, when the same shall be necessary.

4. To make regulations to prevent the introduction of contagious diseases into the town; to establish hospitals and make regulations for their government.

5. To establish a system of Free Schools, and to lay a special tax for its maintenance.

6. To make regulations to secure the health of the town, and to prevent and remove nuisances.

7. To provide the town with water-works, cisterns, pumps, &c.

8. To open alleys, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, alleys, and side-walks, or to have the same done at the expense of the owners of the ground fronting thereto, when they refuse, after notice, to have the work done.

9. To provide for lighting the streets.

10. To establish, support, and regulate, a night-watch and patrol.



11. To erect market-houses, establish markets, and regulate the same; to erect a calaboose, or lock-up, and regulate the same.

12. To provide for the erection of all buildings necessary for the use of the town; and to pass laws making the injury, destruction or defacing of them a misdemeanor.

13. To provide for the enclosing, improving, and regulating, all public grounds belonging to the town, in or out of its corporate limits.

14. To license, tax, and regulate auctioneers, grocers, merchants, druggists, of every description, retailers, taverns, brokers, jewelers, coffee-houses, confectioneries, retailers of liquors, hawkers, and pedlars, livery-stable keepers, and negro-traders.

15. To license, tax, and regulate hackney-carriages, carts, omnibuses, wagons and drays, and to fix the rates to be charged for the carriage of persons and property within the town, and to the public works, and property without the limits of the town.

16. To license and regulate porters, and fix the rate of portage.

17. To license, tax, and regulate theatrical and other shows, exhibitions, and amusements.

18. To prohibit and suppress all disorderly houses and bawdy-houses.

19. To provide for the extinguishment of fires; to organize and establish fire companies; to regulate, restrain, or prohibit, the erection of wooden buildings in any part of the town; to regulate and prevent the carrying-on of manufactories dangerous in causing or producing fires.

20. To regulate the storage of gun-powder, tar, rosin, pitch, saltpetre, gun-cotton, and all other combustible material; and the use of lights, candles, and stove-pipes, stables, and other places.

21. To establish standard weights and measures, and regulate the weights and measures to be used in the town, in all cases not otherwise provided for by law.

22. To provide for the inspection and weighing or measuring stone-coal, wood, and all other fuel, hay, corn, and other grain; to regulate the inspection of butter, lard, and other provisions; to regulate the vending of meats, poultry, fish, and vegetables, to restrain and punish the forestalling of provisions and to suppress hucksters.

23. To regulate the police or patrol of the town; to impose fines, forfeitures, and penalties, for the breach of any ordinance, and to provide for their recovery and

appropriation; to imprison any offender or offenders for refusal or failure to discharge, or secure according to ordinance, fines imposed upon them, either in the County jail or calaboose, for a period not exceeding ten days.

24. To provide for the arrest and confinement, in jail or calaboose, of all disorderly persons within the town, by day or by night; to authorize the arrest and detention of all free negroes, slaves, or suspicious persons found violating any ordinance; to regulate the time and circumstances at, and under which, free negroes and slaves may be absent from their respective places of abode, and direct the punishment for breach of such regulations.

25. To prevent and punish, by pecuniary penalties and imprisonment, all breaches of the peace, noise, disturbance, or disorderly assemblies, in any street, house, or place, in the town, by day or night; and all offences, whether civil or criminal, arising under the by-laws and ordinances, shall be cognizable before the Mayor or any Justice of the Peace, who, upon application, shall issue his warrant, directed to the High-Constable, whose duty it shall be to serve the same—which warrant may be served by the said officer on the offender any where within the limits of the County of Sumner; and upon the return of said warrant, it shall be the duty of the Mayor or Justice of the Peace to hear and determine the cause, and give judgment accordingly—from which judgment, in all civil cases, an appeal lies to the Circuit Court of Sumner County. It shall be the duty of the Jailor of the County, to receive and keep in jail, any person or persons, who may be committed to his charge for a breach of the by-laws and ordinances of the corporation; and all disorderly and riotous persons committed to his charge, either by day or night, by the Constable of the corporation or other officer, for which he shall receive the same fees as in other cases of imprisonment, to be paid by the offender, for which execution shall be awarded by the Mayor or Justice, and in cases of insolvency, be paid by the corporation.

Execution of  
process by Sher-  
iff.

SEC. 9. *Be it enacted*, That all process directed to the High-Constable, may be executed by the Sheriff of the County, and deputies, or any Constable, and by such person as may be designated by the ordinance of the corporation.

Absence of  
Mayor.

SEC. 10. *Be it enacted*, That, in the absence, temporary or otherwise, of the Mayor, that the High-Constable or other officers, may apply to a Justice of the Peace for a warrant, who shall issue it, and on the arrest proceed to hear and determine the case.

SEC. 11. *Be it enacted*, That when any person or persons may be convicted and fined for any offence against the laws or ordinances of the corporation, it shall be lawful and proper for the Mayor or Justice of the Peace, to receive security for such fines, together with the costs, and issue execution, immediately directed to the Sheriff, or any Constable of the County, or High-Constable of the town; which execution, from the Mayor, shall have the same force and validity as executions issued by Justices of the Peace; and, in case the officer into whose hands said execution may come, shall fail to make proper return of the same, before the Mayor or Justice of the Peace, within thirty days from the date of its issuance, or if such officer fail, on demand, to pay over to the Treasurer any money by him collected on such execution, he, and his securities, shall be liable to the same penalties that Constables are now subject to, by law, for failing to return executions issued by Justices of the Peace, or for failing to pay over money collected on the same, by motion before a Justice of the Peace.

Collection  
fines.

SEC. 12. *Be it enacted*, That the High-Constable of Gallatin shall be invested with concurrent jurisdiction with the District Constables of the State, and shall have and exercise the same power in all matters relating to the enforcement of its ordinances and execution of its process.

Jurisdiction of  
High Constables.

SEC. 13. *Be it enacted*, That all ordinances and resolutions heretofore enacted by the Mayor and Aldermen of Gallatin, and not repealed or rescinded by them, shall remain in full force, until altered, repealed, or modified, under this act.

SEC. 14. *Be it enacted*, This act shall take effect immediately after its passage.

SEC. 15. *Be it further enacted*, That the town of Buena Vista, in the County of Carroll, and the inhabitants thereof, are hereby incorporated, with the following boundaries, to wit:—Beginning at a stake on the north side of the main road leading from said town of Buena Vista to Huntingdon, three poles west of A. J. Butler's residence; running thence south to a stake due west of T. Davis's south-west corner; thence east with said Davis's line to his south-east corner; thence north with his line to his north-east corner in ——— Montgomery's line; thence east with said line to a stake due south from W. P. Chambers's well; thence north to F. M. Fooshee's north line; thence west to a stake due south of a stake, two poles east, and three poles north of T. A. Pasteur's line, residence; thence west to a stake in

Town of Buena  
Vista incorpo-  
rated—bound-  
aries.

Bailey's line ; thence south with said line to a stake on the north side of the main road leading from said town of Buena Vista to Huntingdon ; thence westward to the beginning ; under all the regulations and privileges conferred in the foregoing sections upon the town of Gallatin.

Additional Jus-  
tice of the  
Peace.

SEC. 16. *Be it further enacted*, That said town of Buena Vista shall be allowed a Justice of the Peace, who shall reside within the corporate limits of said town, and be elected by the qualified voters thereof, and be clothed with the same powers as other Justices have.

Town of New-  
port incorpo-  
rated.

SEC. 17. *Be it further enacted*, That the town of Newport, in the County of Cocke, and the inhabitants residing within the plan of said town, are hereby incorporated, with all the powers, privileges, and restrictions, in this act conferred upon and applied to the town of Gallatin and the town of Buena Vista.

Turnersville in-  
corporated—  
boundaries.

SEC. 18. *Be it enacted*, That the town of Turnersville, in the County of Robertson, and the inhabitants thereof, are hereby incorporated, in the name and style of the Mayor and Aldermen of the town of Turnersville, with the following boundaries :—Beginning at the north-west corner of Mrs. Oliver Connell's garden, on the Nashville and Hopkinsville road ; thence south to a point where the creek crosses the Clarksville road leading from Turnersville ; thence east to a spring on the east side of Miller's Creek, above James T. Connell's ; thence north-east to a stake on the Nashville road above Thomas J. Polk's ; thence north to the mouth of the spring branch, at the lower corner of R. J. Alley's lot ; thence west to the beginning corner ; with all the powers and privileges, and subject to all the duties and responsibilities included in the foregoing sections incorporating the town of Gallatin.

Justice of the  
Peace.

SEC. 19. *Be it further enacted*, That the town of Turnersville shall be entitled to a Justice of the Peace, to be elected by the qualified voters, within the corporate limits of said town ; the Justice of the Peace elected shall reside within the corporate limits of said town, and have all the powers and privileges conferred on Justices of the County.

Trustees of  
Dickson Acade-  
my authorized  
to sell buildings,  
for the benefit  
of Shelbyville  
University and  
Academy.

SEC. 20. *Be it enacted*, That the Trustees of Dickson Academy, in Bedford County, be, and they are hereby, authorized to sell the present Academy buildings and grounds, upon such terms and conditions as they may deem proper, in order to secure the best price therefor ; and when sold, they are hereby authorized to pay over, in equal sums to the Trustees of the Shelbyville University and the Trustees of the Shelbyville

Academy, the proceeds of said sale, and any other funds they may have on hand, taking the receipt of said Trustees therefor.

SEC. 21. *Be it enacted*, That said receipt shall be filed with the Secretary, who is hereby directed to preserve the same; and the State of Tennessee shall, upon the execution of said receipts, be invested with a lien upon the property of said Female Academy and said University, real and personal, to the intent that said funds shall be secured for educational purposes, in the County of Bedford; and whenever said Female Academy, or said University, shall cease to be conducted for education, then it shall be lawful for the General Assembly of Tennessee to control said funds for the benefit of education in said County, as may seem proper at such time.

State lien retained.

SEC. 22. *Be it enacted*, That the act passed March 2, 1854, incorporating the town of Camargo, in the County of Lincoln, be so amended as to authorize and empower the citizens of said town to elect an additional Constable and Magistrate, both of whom shall reside within the corporate limits of said town; the election to be held under the same rules and regulations as other Constables and Magistrates are now elected in said County; and such Constable and Magistrate, when elected and commissioned, shall have and exercise all the powers and privileges of other Constables and Magistrates in the said County of Lincoln.

Additional Constable and Magistrate for the town of Camargo, in Lincoln County.

SEC. 23. *Be it further enacted*, That the lines between the nineteenth and twentieth civil districts in the County of Lincoln, be so changed as to embrace the town of Camargo within the nineteenth district; and A. J. Downing, John Moore, and William Blann, are hereby empowered as Commissioners to run the lines between said districts, in accordance with the provisions of this act.

Changing lines between the nineteenth and twentieth districts, in Lincoln County, and appointing Commissioners to run line.

SEC. 24. *Be it further enacted*, That when said Commissioners shall have run said lines so as to include the town of Camargo in the eighteenth civil district, that thenceforward all Federal, State, County, and District elections shall be held in the town of Camargo, instead of at John Moore's, as has heretofore been done.

Election to be held at Camargo.

SEC. 26. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 25. *Be it further enacted*, That Marble Hill, in the County of Franklin, is hereby incorporated, with all the rights and privileges extended to Newport, in the County of Cocke, by this act.

Incorporate Marble Hill, in Franklin County

SEC. 27. *Be it enacted*, That the town of Huntsville, in the County of Scott, is hereby incorporated, and the citizens are hereby authorized to elect officers, and or-

Incorporate Huntsville, in Scott County.

ganize as such corporation, and have and exercise all the powers, privileges, and authority conferred on the citizens of the town of Gallatin, in Sumner County, by the former sections of this act.

SEC. 28. *Be it further enacted*, That nothing in this act contained shall be so construed as to grant State aid or banking privileges.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1853.

## CHAPTER 164.

AN ACT authorizing the transfer of suits in Chancery between citizens of Meigs County from the Courts at Athens, Cleveland, and Harrison, to the Court at Decatur.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all citizens of Meigs County who have suits now pending in the Chancery Court at Athens, Cleveland, or Harrison, may, and they are hereby authorized, by consent of the parties, to transfer said suits to the Chancery Court at Decatur; and in case of such transfer, it shall be the duty of the Clerk and Master of the Court from which said transfer is made to forward to the Clerk and Master of the Chancery Court at Decatur, a transcript of the proceedings, rules, orders, and decrees, together with the original papers in the cause so transferred; which transcript shall be entitled to the same force and effect in the Court to which it is transferred as in the original Court.

SEC. 2. *Be it further enacted*, That where any suit may be now pending, or may hereafter commence, in the Chancery Court, or in the Circuit Court, exercising equity jurisdiction, against the unknown heirs of a deceased person, who are alleged to be non-residents of this State, the Court shall have the same right to decree against said non-resident unknown heirs, as if their names had been given in the bill and order of publication: *Provided*, that, before publication shall be made, the complainant shall make affidavit that the names and residence of said heirs are unknown to complainants; and said publication shall contain the names

Decrees against  
unknown heirs.



of the original owner or parties who are dead, leaving said unknown heirs.

SEC. 3. *Be it enacted*, That the Chancery Court at Smithfield shall be held hereafter on Thursdays after third Mondays in March and September; at McMinnville, on fourth Mondays in March and September; at Altamont, on Fridays after fourth Mondays in March and September; and at Woodbury, on first Mondays in April and October: *Provided*, that when there are five Mondays in March or September, that Courts at Woodbury shall be held on said fifth Mondays.

Time of holding Chancery Court at Smithfield, Altamont, and Woodbury.

SEC. 4. *Be it enacted*, That the County of Anderson shall constitute a separate Chancery District, and that the Court of the same shall be held by the Chancellor of the Eastern Division of the State of Tennessee, at the court-house, in the town of Clinton, in the County of Anderson, on the first Thursday after the fourth Monday in June and December, in each and every year.

County of Anderson separate Chancery District — by whom held, and time.

SEC. 5. *Be it further enacted*, That cases of citizens of the County of Anderson, now pending in the Chancery Courts at Jacksboro and Knoxville, may, at the request of the complainant, be transferred to the Chancery Court at Clinton,

Transfer of suits

SEC. 6. *Be it enacted*, That, upon any transfer being made, in pursuance of the preceding section of this act, it shall be the duty of the Clerks and Masters of the Chancery Courts, at Jacksboro and Knoxville, within forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all the rules in relation to the same, either upon the record books of said Court, or upon the rule docket, and transmit the same, together with the original papers, to the Clerk and Master at Clinton; and the Clerk thereof shall receive the usual fees, to be taxed in the bill of costs.

Duty of Clerks in cases of transfer.

SEC. 7. *Be it enacted*, That all laws authorizing the citizens of Anderson County to file bills in the Chancery Courts at Jacksboro and Knoxville, be, and the same is hereby, repealed.

SEC. 8. *Be it further enacted*, That all suits now pending in the Circuit Courts of the several Counties from which fractions were taken to form the County of Union, where the defendant or defendants, or either of them, reside in said County of Union, shall be transferred to the Circuit Court of Union County. This act shall extend to criminal as well as civil cases; and it shall be the duty of the Clerks of said Circuit Courts of said Counties, to file with the Clerk of the Circuit Court of Union County, the original papers in said causes, and a trans-

Transfer of suits to Union County Court.



cript from the minutes of said Courts of the proceedings had therein.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 15, 1856.

## CHAPTER 165.

AN ACT to amend the several acts passed for the establishment and organization of Union County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County line of Union County, designated and established in section one, chapter two, of the act of 1853, be, and the same is hereby, altered as follows:—Beginning on a poplar marked "D," on the top of Chestnut Ridge, where the line runs by Armstrong intersects the dividing line between Knox and Anderson; then running south fifty-six degrees, east one mile and one hundred and twenty poles to Bull Run Creek; then north three-eighths of a mile, passing Levi George's, leaving him in Knox County; then south, forty-five degrees, east to Bull Run Creek; then down the creek to a point where it is intersected by the line running south, fifty-six degrees east; then south seventy degrees, east including Joseph McHaffee, in Union County, one and a half miles to the road leading from C. B. Hansard's to Knoxville; then north forty-five degrees, east one mile and three-eighths to a stake on the north side of Bull Run Creek, in Parrick George's farm; then north seventy-five degrees, east two miles to a white oak, about forty poles north of David Hawkins', leaving him in Knox County; then south forty-five degrees east seven-eighths of a mile to a stake on the top of a spur; then south seventy degrees, east three-fourths of a mile to an oak in a field on the top of Copper Ridge; then by the shortest course to the line known as the Big Survey Line; then following the said line to the line of Grainger County, so as to include C. Cox, Edward West, Jacob Mittenberger, and John Cox, but no other person, on the south side of Copper Ridge; then with the line of Grainger County to the line of Union County; and the said County is declared to be organized with

Fixed new boundaries.

the boundary line designated in the act of 1853, chapter two, section one, except the alteration herein made.

SEC. 2. *Be it further enacted*, That the proceedings of the County Court, and the official acts of the several County officers of Union County are hereby declared to be legal and valid, to the same extent as similar proceedings and official acts of the County Courts and County officers of other Counties under previously existing laws.

Official acts of  
Union County  
made valid.

SEC. 3. *Be it further enacted*, That the several County officers of said County, and their official securities shall be held liable upon the respective official bonds for official misconduct, or default for all revenues, taxes, or privileges, and for registration of deeds and other moneys in the same manner, and to the same extent, as similar officers in other Counties under existing laws.

Liability of  
County officers.

SEC. 4. *Be it further enacted*, That the several Justices of the Peace resident within the limits of Union County, elected and commissioned, as Justices from either of the Counties from which the said County of Union was composed, are hereby declared to be Justices of the Peace for Union County in their respective civil districts, and they shall continue in office as such Justices of said County until the expiration of their respective official commissions, except in cases of removal, resignation, or death; and the present County officers shall hold and exercise the functions of their respective offices until the next regular election, and until their successors are elected and qualified.

Resident Jus-  
tices declared  
Justices of Un-  
ion County.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

SEC. 6. *Be it further enacted*, That the County line between DeKalb and Putnam Counties that now run through the lands of Bird Sexton, Willis Coggins and Loyd P. Coggins, be so changed as to embrace in DeKalb County the residences and all the lands annexed thereto, belonging to the said above-mentioned persons.

Changes line of  
DeKalb and  
Putnam Coun-  
ties.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 23, 1856.

## CHAPTER 156.

AN ACT to change the line between the Counties of Campbell and Scott, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County line between the Counties of Campbell and Scott, be so altered as to include James Ball, James Walden, Jesse T. Lay, and Alexander Herd, in Campbell County; the beginning at or near the top of the Gilico Mountain, where the State line crosses between Scott and Campbell; thence running a straight line to the butt of Brushy Ridge, and up said ridge to the top of the main mountain to the former line.

Union and Claiborne.

SEC. 2. *Be it further enacted*, That the line between the Counties of Claiborne and Union be so changed as to include Drummaffoon in the County of Claiborne.

Morgan, Scott, and Fentress.

SEC. 3. *Be it further enacted*, That the dividing line between the Counties of Morgan, Scott, and Fentress, run by Riley Long, is hereby permanently established.

Campbell and Scott.

SEC. 4. *Be it enacted*, That the dividing line between the Counties of Campbell and Scott be changed so as to include Evel Smith in the County of Scott.

Cumberland County.

SEC. 5. *Be it further enacted*, That the County line of Cumberland be changed as follows:—Running east from Calvin Gibson's to the top of Walden's Ridge; then along the top of said ridge, one mile east of Brown's Gap; then a direct line to the Grammer place, on the Crab Orchard Mountain, at the head of Island Creek.

Trustees to refund.

SEC. 6. *Be it further enacted*, That the Trustees of each County from which Cumberland was taken, shall refund to the proper authorities of Cumberland, when said County is properly organized, all moneys arising by taxation in the different fractions composing said County of Cumberland, in the year of 1856. This act to take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 167.

AN ACT for the benefit of the town of Vernon, in Hickman County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act incorporating said town of Vernon be so amended, that hereafter the householders residing in said town shall and may be eligible to all offices authorized by said act; and that the number of Aldermen be reduced from seven to five.

Amend charter.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856

## CHAPTER 168.

AN ACT to authorize James Parks and Company to build a Bridge across the Ocoee River, at or near Parksville, in the County of Polk, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Parks and Company, of the County of Polk, be, and they are hereby, authorized to construct and build a bridge across Ocoee River, in the County of Polk, at or near Parksville.

SEC. 2. *Be it enacted*, That said bridge shall be substantially constructed above high water mark, and so as to be safe for any kind of heavily loaded vehicle.

SEC. 3. *Be it enacted*, That so soon as said bridge is completed, and good wagon-roads are opened and put in good repair, approaching each end of said bridge, the said owner shall be entitled to collect the following tolls, to wit:—For a man and horse, ten cents; for each additional horse, five cents; each head of cattle in drove, two and one-half cents; each head of sheep or hogs, one cent; wagon with one horse, mule, or oxen, twenty cents; wagon with two horses, mules, or oxen, twenty-five cents; wagon with three horses, mules, or oxen, thirty cents; wagon with four horses, mules, or oxen, fifty cents; wagon with five or six horses, mules, or oxen; seventy-five cents; for any two or four-wheeled pleasure carriage, with two horses or mules, fifty cents; for three or four horse pleasure carriage, seventy-five cents.

Rates of toll.

SEC. 4. *Be it enacted*, That any person passing said

**Penalties.** bridge without paying the toll when demanded, shall forfeit and pay to the owners thereof the sum of five dollars, to be recovered before any Justice of the Peace.

Incorporating  
Double Spring  
Bridge Co.

**SEC. 5.** *Be it further enacted,* That Joshua Perkins, of the County of Johnson, and Alexander Wagner, of the County of Carter, and their associates and successors, are hereby constituted a body politic and corporate, under the name and style of the "Double Spring Bridge Company," for the purpose of constructing and building a bridge across Watauga River, at or near the mouth of Bone's Creek, in Johnson County, and to be entitled to all the advantages and privileges granted to James Parks and Company, in the foregoing sections of this act, and to be subject to all the restrictions and liabilities that James Parks and Company are, as set out in the foregoing sections of this act, and shall be able, in law, to sue and be sued, and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and have succession for ninety-nine years.

Rules and Reg-  
ulations.

**SEC. 6.** *Be it enacted,* That said Company may make such rules and regulations for the constructing of said bridge, not mentioned in the above section, and their own proceedings, as a majority of said Company may deem right and proper: *Provided,* they do not conflict with the Constitution and laws of the State of Tennessee.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 169.

AN ACT to incorporate the Fountain Fire Company, No. 1, and the Niagara Fire Company, No. 2, of the City of Knoxville.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Fountain Fire Company, No. 1, of the city of Knoxville, is hereby incorporated, by the name and style aforesaid; with power to continue its organization; to establish and own a library; to own a house and lot for its engine and books, and the general transaction of business; and with the power to

sell and convey said property, and re-invest the proceeds for the benefit of said Company; also, with the further power to pass rules and by-laws for the government of the members, and to enforce the same for the purpose of effecting the objects of its organization; and with the power to use a common seal.

Sec. 2. *Be it enacted*, That said Company shall consist of not more than one hundred active members, who shall be exempt from serving on juries, from militia duty, and from corporation poll-tax.

Number of  
members—ex-  
emptions.

Sec. 3. *Be it further enacted*, That the Niagara Fire Company, No. 2, of the city of Knoxville, is hereby incorporated, with all the powers, immunities, privileges, and provisions of the Fountain Fire Company, No. 1, of the city of Knoxville.

Niagara Fire  
Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 170.

AN ACT for the benefit of the Commissioners of the East Tennessee Fair, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the appropriation of eighty-seven dollars and fifty cents, made by J. G. M. Ramsey, James Campbell, and C. M. McGhee, Commissioners of the East Tennessee Division Fair, appointed under the act passed February 21, 1855, establishing an Agricultural Bureau, made towards preparing the fair grounds, be, and the same is hereby, legalized.

Legalizes ap-  
propriation of  
Commissioners.

Sec. 2. *Be it enacted*, That the County Societies in East Tennessee shall not be entitled to any part of said appropriation.

Sec. 3. *Be it enacted*, That James R. Taylor, administrator of Edmund Taylor, deceased, be, and is hereby, released from so much of a judgment rendered against him in favor of the State of Tennessee, in the Circuit Court of Warren County, as amounts to damages in the same.

Releases James  
R. Taylor.

Sec. 4. *Be it further enacted*, That James W. Draper, administrator of the estate of John Lee, deceased, be authorized and required to pay over the proceeds of

Directory to  
James W. Dra-  
per for the ben-  
efit of Agnes  
Lee.

said estate to Agnes Lee, her agent or guardian, and that a receipt from either of them, shall be a good and lawful voucher in his hands against the claim of the State.

Common Law  
and Chancery  
Court of Mem-  
phis.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Judge of the Common Law and Chancery Court of the city of Memphis, to issue a *venire* for twenty-four jurors, to attend each term of the Common Law-side of said Court; and should any of them fail to attend and serve as jurors, the Court may impose a fine of fifty dollars upon each one so failing, without rendering a good and valid excuse.

Deputy Clerk of  
Madison Coun-  
ty Court.

SEC. 6. *Be it further enacted*, That it shall be lawful for the Clerk of the County Court of Madison County, to appoint a deputy, who may reside at Denmark, in said County; who, when qualified as required by law, shall have the power and authority, to perform any and all official acts in the name of the principal, which may be done by Deputy Clerks, under the laws of this State.

Makes Andrew  
College and Odd  
Fellows' Insti-  
tute branches of  
Newton Acad-  
emy.

SEC. 7. *Be it further enacted*, That the Andrew College and Odd Fellows' Institute are hereby made branches of the Trenton Academy and that hereafter the academy fund of Gibson County shall be equally divided between said branches of said Academy; and that O. B. Caldwell, Samuel Williams, and Benjamin Elder, be, and they are hereby, vested with the legal title to the lot of land belonging to the Female Academy of Trenton, with full power and authority to sell and convey the same, and to collect the purchase money therefor; and that they be required to pay over the same, when collected, to the Trustees of the Odd Fellows' Institute.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 171.

AN ACT to amend an act entitled An act to incorporate the Porter Fire-arm Company, passed February 20, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section first of an act entitled "An act to incorporate the Porter Fire-arm Company," passed February 20, 1854, be so amended as to read as



follows:—That James C. Jones, A. O. P. Nicholson, David Looney, L. D. Fousley, and Jabez L. Ellis, for the manufacture of fire-arms in all their varieties, are hereby made a body politic and corporate, by the name and style of the "American Fire-arm Company;" and by that name they may sue and be sued, plead and be impleaded; have a common seal, and succession for ninety-nine years; together with such other powers as are incident to manufacturing corporations.

American Fire-arm Co.

SEC. 2. *Be it further enacted*, That section second of said act be so amended that the capital stock of said Company shall be five hundred thousand dollars, instead of one million of dollars: and that the third section of said act shall be so amended as to read as follows: That the business of the Company shall be the manufacture and sale of patent fire-arms, and such other manufactures as the President and Directors may deem necessary and expedient.

Capital stock.

Business.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 28, 1856.

## CHAPTER 172.

AN ACT to incorporate the Chattanooga Packing and Milling Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, from and after the passage of this act, Charles E. Greenville, Reese B. Brabson, Ker Boyce, William T. Sample, and Thomas Crutchfield, their associates and successors, be, and the same are hereby, constituted a body corporate, by the name and style of the Chattanooga Packing and Milling Company, for the purpose of milling, distilling, pork and beef packing, and for manufacturing soap, candles, oil, and the like, in the County of Hamilton.

Commissioners—objects.

SEC. 2. *Be it enacted*, That said Company shall have the right, and be capable in law or otherwise, to sue and be sued; plead and be impleaded; have a common seal, alter the same at will; may make contracts; hold, dispose of, and convey, by purchase or otherwise, any real or personal property that may be necessary in the

Powers.

transaction of the legitimate business of the Company; have perpetual succession of its members; make such by-laws, rules, and regulations, as they may deem proper; and in general do and transact all and every business for which it was created, in the same manner as other corporations of like character.

Capital stock.

Officers.

SEC. 3. *Be it further enacted*, That the capital stock of said Company shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and each member shall be allowed one vote for each share of stock he owns. The stock shall be transferred only on the books of said Company; and said Company shall have the power to elect annually such officers as they, by their rules or by-laws may think necessary; and the Stockholders may, at any time they deem it necessary, increase the capital stock of the Company to one hundred thousand dollars.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 26, 1856.

## CHAPTER 173.

AN ACT to change the line between the Counties of White and Putnam, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of White and Putnam be so changed that it shall run from J. B. Lowry's Mill, on the Falling Water, southward to Cole's Branch, leaving said Lowry's house where he lives, in White County; and that said Lowry may pay his taxes in White County.

Bedford and Marshall.

SEC. 2. *Be it further enacted*, That the County line between the Counties of Bedford and Marshall be changed so as to include the entire farm of E. G. Hamilton in the County of Bedford.

White and Putnam.

SEC. 3. *Be it further enacted*, That the dividing line between White and Putnam Counties be changed as follows:—To run north-by-west from Emory Pennington's to strike the north-east corner of John H. Robison's farm; thence, with Robison's line to the old line. The same line shall be so changed as to include all the lands

of Gideon Brown in White County. This act to take effect from and after its passage.

SEC. 4. *Be it further enacted*, That the lines between the Counties of Hardin and Decatur, be changed as follows, to wit:—Beginning at a point where the Counties of Henderson, Hardin, and Decatur join; running from thence with the Hardin County line to Doe Creek; thence, down said creek to the Tennessee River; thence, down said river to the south boundary line of Decatur County;—and all that part of Hardin County, contained within the lines as herein designated, and situated north and west of the Tennessee River, and below Doe Creek, be attached to the County of Decatur; and that all persons living within said bounds, shall be entitled to all the rights and privileges, and subject to all the liabilities, of other citizens of the County of Decatur.

Hardin and Decatur.

SEC. 5. *Be it further enacted*, That so much of an act passed February 4, 1852, entitled "An act to change the line between the Counties of Hardin and Decatur," so far as it refers to the Counties of Hardin and Decatur, be, and the same is hereby, repealed.

Repeals act of Feb. 4, 1852.

SEC. 6. *Be it further enacted*, That the line as run by Samuel C. Young, according to an act of Assembly, passed February 20, 1854, chapter 129, commencing at a point near Powell Harmer's, thence running north eighty-five degrees, west, to the residence of Coakers, on the top of the mountain, and marked by James Wilson, be, and the same is hereby, declared to be the true dividing line between the Counties of Anderson and Campbell.

Anderson and Campbell.

SEC. 7. *Be it further enacted*, That the Surveyors of the Counties of Anderson and Roane, in connection, shall meet and run, and cause to be marked, the dividing line between the Counties of Anderson and Roane, from the Double Springs on Poplar Creek, to a point on Clinch River, according to an act of Assembly, passed 1801, chapter 45, section 15; and the same, when run and marked, shall be the true dividing line between said Counties of Anderson and Roane.

Anderson and Roane.

SEC. 8. *Be it further enacted*, That the said Surveyors shall make out a plot of said survey, and file it with the Clerks of the Circuit Courts of their respective Counties, and the same shall be spread on the record books of said Courts, at the next terms of their Courts. Each County shall pay a proportional part of the expenses of said survey out of their County Treasury.

Whereas, E. Lee, a citizen of Decatur County, owns a tract of land of four hundred and eighty acres, about four hundred acres of which is in Decatur County, and

about eighty acres in Henderson County; and whereas, the whole plantation of the said Lee, and all his interests as a citizen, are in Decatur County; and whereas, the beginning corner of said tract of land is in Henderson County, and the revenue laws now in force and use in this State require the said Lee to pay tax on the entire tract of land in Henderson County; therefore,

Sec. 9. *Be it further enacted,* That the entire tract of land of E. Lee be, and is hereby declared in Decatur County.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 174.

AN ACT to consolidate the offices of Surveyor and Entry-taker in Hickman County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That, from and after the passage of this act, the Surveyor of Hickman County shall do and perform all the duties that now belong to the Entry-taker of said County, and receive all the pay and emoluments arising from the performance of said duties, being responsible in like manner as the Entry-taker of said County now is for the performance of the same; and the office of Entry-taker for said County is hereby abolished.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 30, 1856.

## CHAPTER 175.

AN ACT authorizing the election of a Magistrate in the town of Dandridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters within the corporate limits of the town of Dandridge, in the County of Jefferson, shall, from and after the passage of this act, be authorized to elect a Justice of the Peace for the corporation of said town, of Dandridge, according to the laws now in force providing for the election of said officers in this State; and that said Justice of the Peace shall have the same jurisdiction that other Justices of the Peace have in this State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 19, 1856.

## CHAPTER 176.

AN ACT to extend the corporate limits of the town of Bolivar, and for the benefit of the town of Henryville, in Lawrence County; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Bolivar be enlarged and extended as follows, to wit:—Beginning at the eastern terminus of Market Street, on the south side, at the original east margin of the town; from thence south with the same, and passing the south-east corner, as now surveyed, to the north boundary of six hundred and forty acres originally entered in the name of Bailey Hardeman; thence west with the same and with the south boundary of Polk's addition to its south-west corner, as at present surveyed; thence north, with the west boundary thereof, to its north-west corner on N. Roberts's south boundary; thence east, to said Roberts's south-east corner; thence north, to the south-west corner of A. Ramsey's tract of land; thence east, to the line of Mrs. Q. P. Ramsey's dower, as at present surveyed; thence south, to her south-west corner; thence east, to the north-west corner of her lot bought at the sale of Maj. William Ramsey's real estate by Martin Ramsey; thence south, to the

Bolivar—Limits

Purdy road; thence westward with the same, to the beginning;—and all that territory included within the bounds as hereby enlarged and extended, shall be added to, and make a part of, the town of Bolivar, together with the inhabitants thereof, who shall enjoy all the rights, privileges, and immunities, and shall be liable to the same restrictions and penalties as other citizens in the present corporate limits of said town.

Powers of Mayor and Aldermen.

SEC. 2. *Be it further enacted*, That the Mayor and Aldermen of the town of Bolivar shall have, and they are hereby invested with, full power and authority to lay off and open new streets, lanes, and alleys, in said town, and extend the old ones for the convenience of the inhabitants thereof: *Provided*, such extension or opening of streets, lanes, and alleys, as aforesaid, shall not be made so as to cause the destruction of houses, gardens, or orchards, without the owner's consent; and, should any person feel himself damaged by the opening or extension as aforesaid, then, and in that case, the County Court of said County of Hardeman is hereby authorized and empowered, upon the application of said person, to appoint three disinterested freeholders unconnected with the parties, to ascertain and assess the amount of damages such person may have sustained by the extension or opening of said streets, lanes, or alleys, and the Commissioners so appointed shall take into consideration the enhanced value of the lot or lots over which said streets, lanes, or alleys, or any of them may pass; and they shall report the amount to the corporate authorities of said town, who shall thereupon pay the amount so assessed to the person so damaged.

Town of Henryville incorporated

SEC. 3. *Be it further enacted*, That the town of Henryville, in the County of Lawrence, and the inhabitants thereof, are hereby incorporated by the name and style of the "Mayor and Aldermen of the town of Henryville;" and by that name and style shall have perpetual succession; may have and use a common seal; and by the name and style aforesaid, sue and be sued, plead and be impleaded; may have, receive, purchase, and hold property, real or personal, and may grant, sell, or dispose of the same for the use and benefit of said town.

Powers.

SEC. 4. *Be it enacted*, That the corporation aforesaid shall have full power to enact by-laws for their own government, not in conflict with the Constitution and laws of this State, or of the United States.

SEC. 5. *Be it enacted*, That the Mayor and Aldermen of said town shall have power, by ordinance, as follows—

1. To levy and collect taxes upon all property taxable by the laws of this State, within the limits of said corporation.

2. To levy and collect taxes upon all privileges and polls taxable by the laws of this State.

3. To appropriate money and provide for the payment of the debts and expenses of the town.

4. To prevent and remove nuisances.

5. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, the streets, alleys, and side-walks, or to have the same done.

6. To establish, support, and regulate, a night-watch and patrol.

7. To provide for the enclosing, improving, and regulating, all grounds belonging to the town, in or out of its corporate limits.

8. To license, tax, and regulate, auctioneers, grocers, merchants, retailers, confectioneries, &c.

9. To license and tax shows, exhibitions, and amusements.

10. To regulate or prohibit and suppress all disorderly houses.

11. To impose fines, and forfeitures, and penalties, for breach of any ordinance; to provide for arrest and confinement until trial, of all riotous and disorderly persons within the town, by day or night.

12. To prevent and punish by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in the town.

13. To prevent and remove all encroachments into and upon all streets, lanes, and alleys, established by law or the ordinance of said corporation.

14. To pass all ordinances not contrary to the Constitution of the State, that may be necessary to carry out the full intent and meaning of this act.

15. There shall be a Town Constable elected by the Mayor and Aldermen, who shall take an oath to faithfully execute the laws of said corporation, and who shall hold his office for twelve months from the date of his election, and until his successor is elected and qualified; he shall give bond to the Mayor, and approved by him, to faithfully execute his office; said Constable shall have power to execute all State warrants for a violation of the criminal laws of the State of Tennessee, as well as to execute all warrants for the violation of the ordinances or charter of said town; he shall have power to summon witnesses, &c.

16. There shall be a Recorder elected by the Mayor



and Aldermen, who shall hold his office at the pleasure of the Board.

Aldermen—how  
elected—May-  
or.

SEC. 6. *Be it enacted*, That the Constable of the eleventh civil district of Lawrence County, after giving five days' notice, shall, on the first Saturday in July next, open and hold an election in said town of Henryville for five Aldermen, who shall hold their offices for twelve months, and until their successors shall be elected and qualified; and all elections thereafter for Aldermen for said corporation, shall be held by the Constable of said eleventh district, on the first Saturday in January of each year. All persons living within the bounds of said town who are qualified to vote for members of the General Assembly, as well as persons owning real estate in said corporation, who are qualified voters in this State shall be entitled to vote for Mayor and Aldermen. The Constable holding said election shall appoint three persons to be judges and clerks of said election. The polls shall be opened at eleven o'clock, A.M., and closed at three o'clock, P.M. The judges shall certify to the five persons receiving the highest number of votes of their election. The persons so elected shall meet in said town the following Thursday after their election, and take an oath of office and elect one of their body Mayor.

Vacancies.

SEC. 7. *Be it enacted*, That the Mayor and Aldermen shall have power to fill all vacancies in the Board for the unexpired time of such vacancy.

Boundaries.

SEC. 8. *Be it enacted*, That the boundaries of the corporation of the town of Henryville shall be as follows:—Beginning at an oak at or near D. N. Pennington's mill on the old Mt. Pleasant and Waynesborough road; thence southwardly, so as to include James Jackson Pennington's dwellings, some twenty poles southwardly to a stake from the south-west corner of said James J. Pennington's garden; thence westwardly, with the direction of the Central Turnpike, so as to leave said pike two hundred yards to the north of said west line at all points, to a stake at the corner of William and Jacob Pennington's, on Wm. S. McBride's east boundary line; thence northwardly, so as to include Jacob B. Pennington, Elias Buel, and Doct. Benjamin Beard, to a stake in said old Mt. Pleasant and Waynesborough road, known as the Ferrow road; thence eastwardly with said road, to the beginning.

SEC. 9. *Be it further enacted*, That an act entitled "An act to incorporate the town of Dresden, in Weakley County," passed January 16, 1846, be so amended that hereafter the Mayor of the town of Dresden aforesaid,

shall have concurrent jurisdiction, within the corporate limits of said town, with the Magistrates or Justices of the Peace in this State, and shall receive the same compensation for his services, in addition to those already received as Mayor, *provided*, that said Mayor shall not be a member of the County Court.

Dresden—char-  
ter amended.

SEC. 10. *Be it enacted*, That the Town Constable of said town shall have all the rights, powers, and privileges, within the corporate limits of said town, and shall be entitled to all the emoluments, and be subject to all the liabilities, of other Constables in this State; also, the Town Constables of Trenton, in Gibson County, and of Somerville and Lagrange, in Fayette County; also, Troy, in Obion County.

Town Constables of Dresden, Trenton, Somerville, and Lagrange.

SEC. 11. *Be it enacted*, That this act shall take effect and be in force from and after its passage: *Provided*, that so much of the act as relates to the incorporation of the town of Henryville, in Lawrence County, take effect from and after the first day of July, 1856.

When to take effect.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 16, 1856.

## CHAPTER 177.

AN ACT to incorporate the Holston Conference Preachers' Aid Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Reverends Daniel B. Carter, William M. Kerr, William C. Graves, John M. McTeer, James T. Smith, George W. Alexander, and Ambrose G. Worley, be, and they are hereby, constituted a body corporate and politic, in deed and in law, by the name and style of the "Trustees of the Holston Conference Preachers' Aid Society;" and by that name and style shall have power to make and keep a common seal, and the same to break, alter and amend at their pleasure; to sue and be sued, plead and be impleaded, to complain and be complained against, to answer and be answered unto, in any species of action, suit at law or in equity;

Commissioners.

to receive donations, and make purchases of property, both personal and real, and the same to hold to themselves and their successors in office, not exceeding the value of one hundred thousand dollars, the nett profits whereof shall be appropriated to the aid of the deficient supernumerary, superannuated and worn-out preachers, and the wives and children, widows and orphans, of such preachers, belonging to said Annual Conference, forever, and to no other purposes whatever.

First meeting  
--Pres'd nt, Sec-  
retary and Treas-  
urer.

By-laws.

SEC. 2. *Be it enacted*, That said Trustees shall hold their first meeting at the time and place of the session of the next Holston Annual Conference, and annually thereafter, at such times and places as shall be appointed for said Conference. At said first meeting said Trustees shall elect out of their body a President and Secretary; who shall hold their office one year, and until their successors are duly elected. The said Conference shall, at the same time, appoint one of said Trustees Treasurer of said Board of Trustees, who shall hold his office one year. Said Board of Trustees shall, at their organization, adopt such by-laws, and alter and amend the same from time to time, for their government and the management of said fund, as they may think proper, not inconsistent with, or repugnant to, the Constitution and laws of the United States, nor of the rules and by-laws made for the government of said Annual Conference. The President, if present, shall preside at all meetings, give the casting vote, and, in extraordinary cases, call meetings. Any three of said Trustees shall form a quorum for the transaction of all business, except the enactment of by-laws—for which purpose, a majority of the whole shall be required.

Vacancies--Suc-  
cession.

SEC. 3. *Be it enacted*, That all vacancies in said Board of Trustees shall be filled by a majority thereof—but such appointment shall continue only until the next annual meeting of said Conference, who shall make permanent appointments from members of the Methodist Episcopal Church, South; and when any person so appointed Trustee shall cease to be a member of said Church, his office of Trustee shall cease, and another member of said Church appointed in his place. Said Trustees shall report annually to said Conference, the true state, condition, and value, of the funds and property belonging to them, and shall hand over to their successors in office, all books, papers, and other things, pertaining thereto; and for default herein, or in case of any malfeasance in their office, they shall be responsible as in other cases.

Sec. 4. *Be it further enacted*, That said persons and their successors have succession for one hundred years.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 178.

AN ACT to incorporate the Rockford Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John M. Coffin, Alexander Kennedy, Arther A. Kennedy, Jas. R. Love, and Richard J. Wilson, and such other persons as may hereafter be associated with them and their successors are, hereby, incorporated by the name and style of the "Rockford Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool, hemp, and silk; for the making of machinery or implements of wood, iron, or other materials; and for the erection of mills for grinding grain, and manufacture of flour; and for the erection of a toll-bridge across Little River; with a capital stock of not less than twenty thousand dollars, nor more than two hundred thousand dollars, in shares of one hundred dollars each. Said Company shall have all the rights, powers, and privileges, and be subject to to all the limitations, liabilities, and restrictions so far as they are applicable, which are given to and prescribed for the Edgefield Alsonia Manufacturing Companies, by an act passed December 14, 1849.

Sec. 2. *Be it enacted*, That said Company shall have not less than three nor more than five Directors who, with a President elected from their own body, shall govern and manage the affairs of said Company; and shall hold their office for one year, or until their successors are elected.

Sec. 3. *Be it further enacted*, That W. Wheless, W. H. Gordon, John A. Fisher, L. H. Hitchcock, and H. K. Walker, and the subscribers to the stock of the Company, and their successors, shall be, and they are hereby declared to be, a body politic and corporate, by the name

Traders' Insurance Company of Nashville.

of the "Traders' Insurance Company of the city of Nashville;" and by that name shall continue until the first day of January, eighteen hundred and ninety, and be capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or elsewhere; and to make and use a common seal, and the same to alter and renew at their pleasure; and generally, to do all things relative to the objects of this institution, which now is, or shall be, lawful for any individual or body politic or corporate to do.

Liabilities and restrictions.

Sec. 4. *Be it further enacted*, That the provisions of an act entitled "An act to incorporate the Nashville Commercial Insurance Company," chapter 158, passed February 11, 1854, shall apply to and govern the Traders' Insurance Company; and thus incorporated, shall be subject to all the liabilities and restrictions, and shall enjoy the immunities, of the said Nashville Company.

Talbot Manufacturing Company.

Sec. 5. *Be it further enacted*, That S. Goforth, J. C. Smith, W. C. Mendenhall, B. P. McFarland, Marshall Mendenhall, Wm. Galbreath, and James Shannon, and such other persons as may hereafter be associated with them, and their successors, are hereby incorporated by the name and style of the "Talbot Manufacturing Company," for the purpose of manufacturing lumber, grinding grain, erecting buildings, and for any other manufacturing or mechanical business, with a capital stock of not less than ten thousand dollars nor more than one hundred thousand dollars, in such shares as they may agree upon; and said Company shall have all the rights, powers and privileges, and be subject to all the limitations, liabilities and restrictions, so far as they are applicable, which are given to, and prescribed for, the Edgefield and Altonia Manufacturing Company, by the first two sections of this act.

Directors.

Sec. 6. *Be it further enacted*, That said Company shall not have less than three nor more than five Directors, who, with a President, elected from their own body, shall govern and manage the affairs of said Company, and shall hold their office for one year, and until their successors are elected.

Citizens' Coal Company of Nashville.

Sec. 7. *Be it further enacted*, That the charter authorizing the Citizens' Coal Company of Nashville, be so amended as to authorize the President and Directors of said Company, to permit the corporation of the city of Nashville to take as much stock in said Company, as

may be sufficient to furnish their water-works, offices, &c., with fuel; and that said President and Directors, be invested with discretionary power, as to the amount of stock or script any corporation, manufacturer, owner of steamboat or boats, or individual, may take in said Company, or purchase from stockholders.

Sec. 8. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 179.

AN ACT to incorporate the Ritchie Printing and Publishing Company in the city of Nashville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Company is hereby created, with the title of the "Ritchie Printing and Publishing Company in the city of Nashville," with a capital of five thousand dollars, which may be increased to fifty thousand dollars, at the discretion of those composing said Company.

Sec. 2. *Be it enacted*, That the stock of said Company shall be divided into shares of twenty-five dollars each, to be subscribed with the Commissioner hereinafter named, and paid in as the Directors may demand.

Capital stock :  
how subscribed.

Sec. 3. *Be it enacted*, That the subscribers to said stock, their heirs and assigns, are hereby created a body politic, by the name and style above-mentioned; and in and by said name, have power to contract and be contracted with; to sue and be sued; to have and use a common seal, and the same to alter or destroy at pleasure; to borrow money upon their bonds for such amounts, conditions, times, and rates of interest, as may be agreed on by the parties; shall have power to elect all officers necessary to carry out the purposes of the organization; to establish all by-laws, rules, or regulations, that may be deemed proper by the Directors; to purchase, hold, sell, or exchange any amount of real

Powers

or personal property, necessary or proper for the legitimate uses of said Company.

**Commissioner.** **Directors.** SEC. 4. *Be it enacted,* That Duncan R. Claiborne is hereby appointed a Commissioner to open books at such times and places as to him may seem proper, for the purpose of receiving subscriptions to the capital stock of said Company; and he may keep the same open until he shall think a sufficient amount has been taken; when he shall call a meeting of the Stockholders, for the purpose of electing a board of three Directors, to whom shall be entrusted the management of the affairs of said Company. They shall elect a President of the Board from their own number; and have power to fill vacancies in their Board. The election of said Board shall be held each year, or at longer periods of time if it is deemed proper by the Stockholders; and the first Board elected, shall hold until their successors shall have been appointed or elected.

**Liabilities of Stockholders.** SEC. 5. *Be it enacted,* That each and every Stockholder shall be liable for the full amount of stock by him subscribed, and the payment of the same in full to the authorized agent of said Company, or in such amounts as may be deemed necessary by the Board of Directors; and when such amount of stock shall have been fully paid, the subscriber so having fully paid, shall be released from any further liability.

**Transfer of stock** SEC. 6. *Be it enacted,* That the stock may be transferred by assignment, and the original stockholder and assignee shall be bound until the stock be fully paid in; and each stockholder shall be entitled to one vote for each share of stock by him held, which may be given in person or by proxy.

SEC. 7. *Be it enacted,* That the Company hereby incorporated, shall have existence and succession for the term of fifty years.

**Tennessee Typographical Union.** SEC. 8. *Be it further enacted,* That a company to be entitled the "Tennessee Typographical Union," shall be, and is hereby, established, with a capital stock of ten thousand dollars, which may be increased to fifty thousand dollars. That the stock of said company shall be divided into shares of twenty-five dollars each, to be subscribed with the Commissioner hereinafter named, and paid in as Directors to be elected may demand.

**Power** SEC. 9. *Be it enacted,* That the subscribers for said stock, their successors and assigns, are hereby created a body politic, by the name and style of the "Tennessee Typographical Union;" and in and by said name, they they shall have power to contract and be contracted with, to sue and be sued, have and use a common seal;



to borrow money upon their bonds for such amounts, conditions, times, and rates of interest as may be agreed upon by the parties; shall have authority to elect all necessary officers, and to pass and establish all by-laws, rules and regulations for the successful management of the affairs of said Company.

Sec. 10. *Be it enacted*, That the object and business of said company shall be to carry on and conduct, within the limits of the State of Tennessee, and at such points therein as the Directors to be elected may determine, a general printing and publishing establishment, for the advantage of practical printers and operatives; and said company are authorized to purchase and hold, by their corporate name, such real estate as may be needed by said company for the prosecution of its business. Objects.

Sec. 11. *Be it enacted*, That Smith P. Bankhead is hereby appointed a Commissioner to open books for the subscription of stock of said company; and he may keep the same open until a sufficient sum be taken, when he shall call a meeting of the Stockholders for the purpose of electing a Board of three Directors, to whom shall be entrusted the management of the affairs of said company. They shall elect a President of the Board of their number, and fill the vacancies in the same. The election of said Board to be holden annually at the Stockholders may direct; and the old Board may hold over until a new one is elected. Commissioner.  
Directors.

Sec. 12. *Be it enacted*, That each and every stockholder shall be liable for the full amount subscribed by him, and upon the payment in full of said subscription to the authorized agent of said company shall be discharged from further liability. Liabilities of Stockholders.

Sec. 13. *Be it enacted*, That the stock may be transferred by assignment, and the original subscriber and the assignee shall be bound till the subscription be paid in full; and each stockholder shall be entitled to one vote for each share of stock owned, which may be given at the elections in person or by proxy. Transfer of stock

Sec. 14. *Be it enacted*, That the Tennessee Typographical Union hereby chartered, shall exist and have succession for the period of fifty years.

Sec. 15. *Be it further enacted*, That J. B. Moseley and others associated with him, shall be a body corporate, under the name and style of "Franklin Typographical Union," with all the rights, powers, and privileges, conferred by the foregoing sections of this act; and that J. B. Moseley be appointed a Commissioner to open books and receive subscriptions thereto. Franklin Typographical Union.

Sec. 16. *Be it further enacted*, That Dr. Cobb, R. M.

Clarksville Prin-  
ting and Pub-  
lishing Com-  
pany.

House, D. W. Kennedy, C. Hiter, R. W. Thomas, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the "Clarksville Printing and Publishing Company," with the same capital, rights, powers, and liabilities, conferred in the preceeding sections of this act upon the Ritchie Printing and Publishing Company, in the city of Nashville.

NEILL S. BROWN,

*Speaker of the House of Representatives*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1853.

## CHAPTER 180.

AN ACT to incorporate the Synod of West Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Ministers and Ruling Elders of the Synod of West Tennessee, in connection with the General Assembly of the Presbyterian Church, which met at St. Louis, Missouri, in May, 1853, be, and they are hereby, incorporated, by the name and style of the Synod of West Tennessee; and in that name may sue and be sued, plead and be impleaded, in any of the Courts of Law and Equity, in this State.

May sue for  
gifts, grants, &c.

SEC. 2. *Be it further enacted*, That all gifts, grants, conveyances, devises, and legacies made to the Synod of West Tennessee, or to the Ministers and Ruling Elders, for the use of the Synod of West Tennessee, for any purpose having in view the promotion of religion, and the spread of the Gospel, may be sued for, recovered, and held in the name of and by the Synod of West Tennessee.

Taylorsville  
Building and  
Loan Associa-  
tion.

SEC. 3. *Be it enacted*, That R. R. Butler, A. D. Smith, M. M. Waggoner, Emanuel L. Dugger, Samuel Northington, C. C. Wilcox, Harvey L. Johnson, and Lawson Woodly, and their associates, are hereby incorporated a body politic and corporate, by the name and style of the Taylorsville Building and Loan Association, with all the rights, privileges, and immunities that are granted to the Nashville Building and Loan Association.

SEC. 4. *Be it enacted*, That an Association, which shall be a mutual benefit and stock company, having for its object to assist members thereof to become their own landlords, is hereby authorized to be formed in the County of Davidson; and for that purpose R. J. Meigs, Jos. Vaulx, Jos. B. Knowles, James Ellis, N. E. Alloway, Russell Houston, M. W. Wetmore, D. T. McGavock, A. W. Putnam, J. A. Murkin, Orville Ewing, Jno. M. Hill, W. B. A. Ramsey, and E. G. Eastman, and such other persons as may be associated with them, by becoming shareholders of the capital stock of the company hereby incorporated, and their successors be, and they are hereby, constituted a body politic and corporate, by the name and style of the McGavock Land Building and Loan Association; and may, by their corporate name, sue and be sued, plead and be impleaded; may make and use a common seal, and alter the same at their pleasure; and may use, exercise, and enjoy all the rights, privileges, and immunities which are incident to corporations.

McGavock Land  
Building and  
Loan Association.

SEC. 5. *Be it enacted*, That the members of the said corporation shall have full power and authority to form and adopt such constitution, by-laws, rules, and regulations, for the government of the corporation, and to choose and appoint such officers and agents for the transaction of the business of the corporation, as to them shall seem expedient; and such constitution, by-laws, rules, and regulations, shall have the force and effect of a legal enactment on the members of said corporation: *Provided*, that such constitution, by-laws, rules, and regulations do not conflict with the laws of the land.

Powers.

SEC. 6. *Be it enacted*, That the capital stock of said corporation shall be divided into shares of one dollar per month, each, to be paid in monthly, until the said corporation shall determine and close; and that the capital stock of said corporation shall not be less than two, nor more than five thousand shares, and subscriptions for stock shall be made in such mode as may be prescribed by said association.

Capital stock.

SEC. 7. *Be it enacted*, That the funds of the said corporation may be loaned out to the stockholders in such manner, on such terms and conditions, and under such regulations as the said corporation, by its constitution and by-laws, may prescribe: *Provided*, the same be secured by real estate; and any funds of the said corporation which may remain after the Stockholders have borrowed all they desire, may be loaned out to others than Stockholders, they paying therefor interest at the rate of six per centum per annum: *Provided*, the same be secured by real estate.

To whom  
loaned, and  
how secured.

May purchase  
and hold real  
estate.

Sec. 8. *Be it enacted*, That the said corporation shall have power to take and to hold all such real estate as may be mortgaged or conveyed in trust to secure the said corporation in the loan of any of its funds; and the said corporation shall have power to purchase any such real estate as aforesaid, at any sale thereof, made under any mortgage or conveyance in trust of any such real estate, to secure the said corporation in any such loan as aforesaid, and the same to hold and sell, or otherwise dispose of, as to the said corporation may seem expedient.

When to close.

Sec. 9. *Be it enacted*, That when each Stockholder, for each and every share of stock by him or her held, shall be entitled to receive the sum of two hundred dollars, on distribution of the funds of said association, then the corporation shall wind-up, terminate and close.

May buy land,  
&c.

Sec. 10. *Be it enacted*, That said corporation shall have the privilege of buying land, dividing the same into lots and conveying them to Stockholders or other individuals, on such terms as it may deem proper: *provided*, such purchase or purchases shall not exceed in amount the sum of two hundred thousand dollars.

Sec. 11. *Be it enacted*, That all moneys borrowed from said association shall be used in building or improving the real estate, mortgaged or conveyed in trust to such loan.

Jackson Gas-  
light Company.

Sec. 12. *Be it enacted*, That John W. Campbell, Milton Brown, Robert B. Hurt, John S. Miller, James Murrell, William E. Butler, John L. H. Tomlin, James S. Lyon, James Caruthers, Henry W. McCorry, John M. Parker, and John L. Brown, be appointed Commissioners, any two or more of whom may open books, at any time and place they may choose, to receive subscriptions to the capital stock of the Jackson Gas-light Company; and whenever, in their judgment, a sufficiency of said stock shall have been subscribed, the subscribers may organize, and shall be, and they are hereby declared, a body corporate and politic, by the name and style of the "Jackson Gas-light Company," for the purpose of erecting works and furnishing gas to light the city of Jackson; and whenever so organized, under the name aforesaid, shall have the power to increase their capital stock to any amount they may desire for said purpose, to be taken in shares of twenty dollars each; and for the purpose of carrying out the object aforesaid, the said Company are hereby invested with all the powers, privileges, rights, protections, and immunities, and liable to all the restrictions and liabilities conferred and imposed upon the Nashville Gas-light Company, by an act

passed on the 21st day of November, 1849, entitled "An act to authorize the establishment of the Nashville Gas-light Company," so far as the same are not inconsistent with the provisions of this act.

SEC. 13. *Be it further enacted*, That the corporate authorities of Jackson may, subscribe, at their discretion, to the capital stock of said Company, and that said Company have a period of five years in which to organize under this charter.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 181

AN ACT to amend an act entitled An act to incorporate the Mississippi River Levee Company, and the Forked Deer and Obion Levee Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third section of the act entitled "An act to incorporate the Mississippi Levee Company, and the Forked Deer and Obion Levee Company," passed February 28, 1854, be, and the same is hereby, repealed.

SEC. 2. *Be it enacted*, That when fifteen thousand dollars of stock or donations shall have been obtained by the Commissioners of said Company, or their agents, the Company shall be regarded as formed, and the Commissioners shall call a meeting of the Stockholders, who shall proceed to elect a Board of five Directors. In electing the Directors, each Stockholder shall have one vote for every share he may own; and the Stockholders may vote in person or by proxy.

When to elect  
Directors.

SEC. 3. *Be it enacted*, That said Levee shall be divided into three divisions, the first to extend from the State line of Tennessee and Kentucky to the high land above Madrid Bend; the second division from the high land below Madrid Bend, to the Dyer and Obion County line; and the third division from the Dyer and Obion County line to the mouth of the Obion River, and persons subscribing stock in said Company, may direct upon which division of said Levee, their subscriptions shall be expended.

Levee to be di-  
vided into three  
divisions.

Commissioners.

SEC. 4. *Be it enacted*, That any four of the Commissioners appointed by the act which this is intended to amend, shall have power to meet and fill all vacancies which may have occurred in said Board of Commissioners by death, or removal from the Counties of Obion and Byer, and that said Commissioners or Directors, may receive subscriptions of stock in work to be done, in constructing said Levee at cash valuation.

Act establishing  
State Agricultural  
Bureau  
—when to take  
effect.

SEC. 5. *Be it further enacted*, That the act passed at the present session of the General Assembly of the State of Tennessee, amendatory of the "Act establishing the State Agricultural Bureau, &c.," be, and is hereby, declared to take effect and be in force from and after the passage of the afore-mentioned act.

Walden's Ridge  
Coal and Iron  
Comp. n. s.

SEC. 6. *Be it enacted*, That John Bentley Halbert, Jno. Litton Bostick, and J. C. Haley, and such other person or persons as may be associated with them, and their successors, be, and they are hereby, constituted a body politic and corporate for the purpose of mining coal, iron, or other minerals, and manufacturing railroad iron and other articles, under the name and style of the "Walden's Ridge Coal and Iron Company;" and as such may have perpetual succession; may sue and be sued; may contract and be contracted with; may have a common seal; may purchase and hold real and personal estate, and sell or dispose of the same at pleasure; with all other rights, powers, and privileges necessary and proper for them as an incorporated company; to mine, manufacture, and transport their coal and manufactures as they may think proper.

Capital Stock.

SEC. 7. *Be it enacted*, That the capital stock of the Company shall consist of ten thousand shares, of one hundred dollars each, which may be increased to twenty thousand shares, if deemed necessary; said shares shall be transferable, in such form and manner, as the Board of Directors hereinafter provided for, may prescribe.

Directors.

SEC. 8. *Be it enacted*, That the affairs of the Company shall be managed by a Board of five Directors, to be elected by the Stockholders, who shall hold their office for one year, and until their successors shall be elected. The Directors shall elect one of their number President, and may appoint a Treasurer, Secretary, and such other officers or agents, and with such salaries as they may deem necessary.

May construct  
roads.

SEC. 9. *Be it enacted*, That for the purpose of enabling said Company to mine and manufacture and transport their coal and manufactures within the facilities of railroads or water navigation, they shall have the power to make such roads and railroads as they may deem neces-



sary, with all the rights, powers, and privileges as are granted to the Nashville and Chattanooga Railroad, so far as regards the right of way granted to said road: *Provided*, no State aid be granted for the construction of the same.

SEC. 10. *Be it enacted*, That in all elections by the Stockholders, and at all general meetings, the Stockholders shall have one vote for every share by them respectively held, and may vote either in person or by proxy. The Stockholders may make all by-laws necessary for the regulation of the Company, not inconsistent with existing laws.

Rights of Stockholders.

SEC. 11. *Be it enacted*, That if any Stockholder shall fail to pay what may be due upon his stock or any calls that may be assessed upon the same, the Directors may sue for the same in action of debt before any court having jurisdiction, of the amount; or may declare the said shares forfeited to the Company, upon giving each delinquent Stockholder thirty days' notice that such action will be taken.

Liability of Stockholders.

SEC. 12. *Be it enacted*, That there shall be established at New Providence, in the County of Montgomery, and State of Tennessee, a body politic and corporate, to be named and called the "Montgomery General Insurance and Trust Company;" that by this name it may sue and be sued; may plead and be impleaded; and that it shall have succession for fifty years from and after the passage of this act.

Montgomery General Insurance and Trust Company

SEC. 13. *Be it enacted*, That Dr. D. T. Porter, J. L. C. Johnston, N. F. Trice, T. F. Pettus, and J. Meacham, or any three of them, may open books for subscription to the capital stock of said Company, which shall amount to three hundred and fifty thousand dollars, in shares of one hundred dollars each; and that when said sum is subscribed, said Company may organize by the election of a President, a Board of Directors, Secretary and Treasurer.

Commissioners.

SEC. 14. *Be it enacted*, That said Montgomery General Insurance and Trust Company shall have all the rights, powers, privileges, and immunities, and be subject to all the rules, regulations, and restrictions, granted to or imposed upon the Memphis Life and General Insurance Company, incorporated by the General Assembly of the State of Tennessee, by an act passed on the second day of March, 1854, entitled "An act to amend charter of the Tennessee Marine and Fire Insurance Company, passed Nov. 25, 1833, and for other purposes."

Power.

SEC. 15. *Be it enacted by the General Assembly of the State of Tennessee*, That John F. Hamlin, Jas. T. Por-



Commissioners  
of Memphis  
Agricultural  
Fair Grounds  
Company.

son, Joseph R. Ferguson, John Pope, Joel W. Royster, George C. Holmes, F. H. Clark, and Willie B. Miller, be, and they are hereby, appointed Commissioners to open books for subscription for stock in the Company incorporated by this act; any three of these Commissioners may open books at such times as they may deem expedient, and keep them open until at least eight thousand dollars of the capital stock is subscribed.

Name—powers.

SEC. 16. *Be it further enacted*, That the subscribers of said capital stock, and such other persons as may become shareholders of said stock, and their successors, be, and they are hereby, constituted a body corporate, by the name and style of the "Memphis Agricultural Fair Grounds Company," and by that name may make contracts; sue and be sued; plead and be impleaded; with perpetual succession, and all the usual powers of a corporation.

Capital stock.

SEC. 17. *Be it further enacted*, That the capital stock of said Company shall be the sum of fifteen thousand dollars, to be divided into shares of five hundred dollars each; but the amount of such capital stock may, from time to time, as the Directors of the Company may think expedient, be increased to any sum not exceeding twenty-five thousand dollars.

Board of Directors.

SEC. 18. *Be it further enacted*, That the subscribers and holders of stock may, at any time after eight thousand dollars of the capital stock shall have been subscribed, be called together by a majority, by notice in some newspaper published in Memphis, and organize by the election of Directors not exceeding seven, all of whom shall be Stockholders in said Company, and who shall have power to elect a President of their own body, and continue in office until the second Monday in March thereafter, and until their successors are elected. The second Monday in March of each year shall be appointed for the general meeting of the Stockholders, and the election of officers, who shall hold their offices for one year, and until their successors are elected. In the election of Directors, each Stockholder shall be entitled to one vote for every share of stock he holds, and the persons receiving the highest number of votes shall be considered elected. The President and Directors thus elected shall have power to enact all by-laws necessary for the government of their Board, to elect a Secretary and Treasurer, and other officers, from whom they may require bond and security for the faithful performance of their official duties; and shall have power to fill all vacancies that may occur in their own Board, or in the offices created by them. A majority of the Directors

shall constitute a quorum to do business, and in the absence of the President, the Board may appoint a President *pro tem*, who shall, for the time, have all the powers and privileges of the President. The Board of Directors shall have power to meet on their own adjournment, or at any time upon the call of the President or any three of the Directors. They may also call a meeting of the Stockholders if they deem it necessary, and shall do so, if required, in writing, by a majority of such Stockholders.

SEC. 19. *Be it further enacted*, That it is the intent and purpose of this act of incorporation, to empower said Company to establish a place in the vicinity of Memphis, for fairs and exhibitions, to be called the "Memphis Agricultural Fair Grounds," and to that end said Board of Directors shall have power to purchase grounds, to hold, enclose, and improve the same, and to erect thereon such buildings as they may determine upon; to rent, lease, and let the same, and to collect gate-fees and rents, and make repairs: *Provided, however, be it further enacted*, that the said Board of Directors shall not have power to bind every Stockholder beyond the amount of his stock, and the issue and profits of the investment.

Objects.

May purchase grounds, &amp;c.

SEC. 20. *Be it further enacted*, That the Board of Directors shall have power to make calls upon the stock subscribed, at such times as they may deem proper; no call to exceed twenty-five per cent. on the amount subscribed, nor to be made oftener than once in every three months; and if any shareholder shall fail to pay any call within thirty days from the time the same is required to be paid, the Directors may sue him at law in the name of the Company, or at their election cause the stock of such delinquent to be forfeited. If suit be instituted and judgment obtained, the stock of the defendant in the Company, may be levied on and sold by execution issued thereon, and the purchasers shall hold the same with all the incidents and privileges thereto attached, in the hands of the original holder.

Directors to make calls of stock.

SEC. 21. *Be it further enacted*, That no share of said stock shall be transferable until the same has been fully paid up; nor then, without the expressed consent of a majority of the stockholders; and to entitle the assignee or holder to vote and receive dividends, the transfer must be entered upon the books of the Company.

Transfer of stock

SEC. 22. *Be it further enacted*, That said Company shall pay the sum of two hundred dollars to the Agricultural Society of Shelby County, at the first annual

Moneys to be  
paid to the Ag-  
ricultural Socie-  
ty of Shelby  
County.

fair of said Society, to be held after the completion of the fair grounds of said Company; and the sum of three hundred dollars at each succeeding annual fair of said Society—which sums are to be distributed in premiums by said Society: *Provided, however*, that the said Society may hold its annual fairs in and upon the fair grounds of said Company—subject to the established fees and rents.

Dividends.

SEC. 23. *Be it further enacted*, That it shall be the duty of the Directors to make and declare dividends out of the nett profits of the Company among the stockholders, in proportion to the amount of stock held by each, at such time as they may deem advisable.

Whereas, It appearing to the General Assembly of the State of Tennessee, that Hawkins Lodge, No. 41, of the Independent Order of Odd Fellows have sold their interest, right, and property in the Odd Fellows' Female College, to an association of gentlemen, by the name and style of the "Odd Fellows' Female College Association," by whom said College is now successfully carried on; and the said Association being composed of Joshua Phipps, Jesse M. Lyons, George Lyons, Wesley A. Phipps, John Netherland, Clinton Lyons, Charles J. McKinney, Cornelius C. Miller, John A. McKinney, Samuel Powell, Joseph B. Heiskell, George R. Powell, John D. Riley, James K. Simpson, A. A. Kyle, James K. Neill, William C. Kyle, Joseph Russell, Orville Rice, James Park, Samuel Sawyer, Wm. Lyons, P. S. Hale, A. P. Coldwell, James Armstrong, Richard G. Fain, William Simpson, M. S. Wells, Robert Simpson, Joseph R. Mitchell, James G. Mitchell, William Armstrong, and A. Anderson; and the said Association being desirous of having a charter of incorporation for the purpose of carrying on said College without embarrassment; therefore,

Odd Fellows'  
Female College  
Association.

SEC. 24. *Be it further enacted*, That the above named gentlemen be, and they, their assigns and successors, are, hereby; incorporated by the name and style of the "Odd Fellows' Female College Association;" and are hereby authorized and empowered, to sue and be sued, to plead and be impleaded, to hold or convey property, real or personal; to have a common seal, and to have perpetual succession, and all the powers and immunities, rights and privileges of a corporate body.

SEC. 25. *Be it further enacted*, That the rights of property conferred and conveyed or mentioned in the deed of conveyance of said Lodge of Odd Fellows, be, and are hereby, vested in said Association, and the said deed ratified and confirmed—any supposed obstacle in the

charter of said Lodge to the contrary notwithstanding; and said Lodge is hereby authorized to make any further assurance of title, which may be deemed necessary to aid or avoid any supposed prohibition in any law or charter.

SEC. 26. *Be it further enacted*, That this act shall be deemed a public act, and take effect and be in force from and after its passage.

SEC. 27. *Be it further enacted*, That D. M. Henning, John Flowers, J. L. Taylor, H. C. Cage, James ———, R. W. Green, Thomas G. Rice, and their associates, or any three of them, be, and they are hereby, created a body corporate and politic, by the name and style of the "Durhamville Manufacturing Company," with the same powers, rights, and privileges, conferred, and subject to the same restrictions and liabilities imposed, upon the Sumner Manufacturing Company, chartered by an act entitled "An act to incorporate the Memphis Waterworks Company, and for other puposes," passed February 23, 1856.

Durhamville  
Manufacturing  
Company.

SEC. 28. *Be it further enacted*, That John L. Morgan, Daniel R. Whitley, J. W. Williams, Charles H. Hill, Col. Ligon, James H. Cotton, E. R. Peete, and persons who may become stockholders, pursuant to the provisions of this act, shall be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Covington and Sharon Plank-road Company;" and by that name may sue and be sued, plead and be impleaded; shall have a corporate seal, and succession for ninety-nine years.

Covington and  
Sharon Plank-  
road Company.

SEC. 29. *Be it enacted*, That the persons named in the 28th section of this act, or any five of them, shall have all the rights, immunities, powers, and restrictions, as are mentioned in the 2d, 4th, 5th, 6th, 8th, 9th, and 10th sections of an act passed February 26, 1852, entitled "An act to incorporate the Memphis and Macon Plank-road Company, and for other purposes," so far as the same are applicable to the Covington and Sharon Plank-road.

Powers

SEC. 30. *Be it enacted*, That the capital stock of said Company shall be thirty thousand dollars, with the privilege of increasing the same to an amount sufficient to complete said road; and when five thousand dollars shall have been subscribed, said Company shall be considered as formed; said capital stock shall be divided into shares of fifty dollars each.

Capital stock.

SEC. 31. *Be it enacted*, That said road shall be graded at least twenty feet wide, with sufficient ditches on either side to carry off the water, and drain the same,

Road—how  
be built.

with such elevation as the aforesaid Company may deem most expedient, and one side of said road to be covered with plank not less than three inches thick, and nine feet long.

County Court  
of Tipton Coun-  
ty to levy tax,

SEC. 32. *Be it enacted*, That the County Court of Tipton County, shall have the power to levy a tax on all taxable property in said County, not exceeding twenty-five thousand dollars, to be paid at such time and in such manner as said Court may deem proper to dispose of, to be appropriated to the completion of said Turnpike or Plank-road.

SEC. 33. *Be it enacted*, That this act shall take effect from its passage.

Knoxville and  
Rutledge Turn-  
pike Company.

SEC. 34. *Be it further enacted*, That A. A. Barnes, of the County of Knox, and his associates, and those who may be associated with him or them hereafter, be, and they are hereby declared to be, a body politic, to sue and be sued, &c., under the name and style of the "Knoxville and Rutledge Turnpike Company;" and they are hereby authorized and empowered, to open and construct a turnpike McAdamized or plank-road, upon or near the present main road leading eastward from Knoxville towards Rutledge; beginning one mile from the court-house in Knoxville, and running the most practicable route, in the judgment of the proprietors, to Rutledge, Tennessee.

Road—how and  
when to be  
built.

SEC. 35. *Be it enacted*, That the said road shall be graded at least eighteen feet wide, with ditches on each side, with an elevation of not more than five degrees; and one side of the road, to the width of nine feet, shall be graded or planked, so as to make a good and substantial road at all seasons; and nine feet shall be kept in good repair for a summer road; and where necessary, bridges or culverts and cause-ways shall be built, at least twelve feet wide;—and said proprietors shall have three years from the passage of this act, in which to complete said road to the forks of the road, at or near John N. Nave's—if not completed to said Nave's in that time, this charter shall be forfeited; and if it is not completed to Rutledge in five years, all the rights and privileges herein granted, shall be forfeited beyond the point to which said road is completed at the end of said five years.

Damages—how  
to be assessed.

SEC. 36. *Be it enacted*, That should any person or persons, through whose lands said road may pass, consider himself or themselves damaged by said road, and the parties be unable to agree upon the amount of damage, if any, in that event, the said proprietors shall select one disinterested freeholder—the party complain-

ing shall select one, and the two thus chosen shall select a third—who shall view the premises, and assess the damage, if any, taking into consideration the advantages and disadvantages of said road to said lands; and their assessment shall be binding upon the parties concerned, and the damages so assessed, if any, shall be recoverable by law before any tribunal having jurisdiction thereof.

SEC. 37. *Be it enacted*, That when said road, or a part thereof, shall be completed according to the provisions of this act, it shall be the duty of the County Court of the County in which said road lies, upon notice by the proprietors, to appoint three disinterested freeholders to examine said road, and upon the report of any two of them, that said road has been completed agreeably to the provisions of this act, the gate or gates herein provided for, may be erected, and the tolls herein allowed, may be charged and collected, and the said Commissioners shall receive a reasonable compensation for their services, to be paid by the said proprietors.

SEC. 38. *Be it enacted*, That when the road is completed, as herein specified, to the forks of the road, at or near John H. Nave's, the proprietors shall be authorized and allowed to erect one toll-gate at any point on said road, not within two miles of the court-house, in Knoxville, at which they may charge and receive the following rates of tolls, to wit:—For each head of sheep or hogs, one-half cent; for each head of cattle, one cent; for each horse or mule in a drove, one cent; for each horse or mule not in a drove, nor employed in drawing, two cents; for every pleasure carriage, twenty cents; for one horse and buggy, ten cents; for every loaded wagon or cart, drawn by one horse or mule, ten cents; for every loaded wagon drawn by two or three horses, oxen, or mules, fifteen cents—if empty, five cents; for every loaded wagon drawn by four horses, oxen, or mules, twenty cents; and for every additional horse, ox, or mule employed in drawing a wagon, five cents; for every empty wagon not otherwise specified, half the toll charged upon the same when loaded; for every man and horse, five cents; vehicles used for the purpose of carrying burthens, shall be charged as wagons; for each five miles of said road completed beyond the forks of the road at John H. Nave's, the Company shall have the right to erect one toll-gate, and to demand and receive the same toll which is given to the Knoxville and Virginia Turnpike Company, in an act entitled "An act to charter the Knoxville and Virginia Turnpike Company," passed January 30, 1846.



Penalties for  
refusing to pay  
toll.

SEC. 39. *Be it enacted*, That if any person or persons shall pass any gate arbitrarily, or within one mile, after having traveled on said road, for the purpose of evading the payment of toll at the gate, such persons or persons shall forfeit five dollars to the Company for every such offence, to be recovered by action of debt before any Justice of the Peace.

Commissioners  
to inspect.

SEC. 40. *Be it enacted*, That, upon the complaint of any two persons, on oath, before the County Court in which said road lies, that the road is out of repair in that County, so that traveling is impeded thereby, the said Court shall appoint three Commissioners, entirely disinterested, who shall examine said road; and if they report that the road is out of repair, the Court shall order that the gate nearest the place or places out of repair shall be opened, and traveling through said gate shall be free until the said road is put in repair, and the said Commissioners shall be allowed a reasonable compensation, to be paid by the Company, if the road is not in repair; but if the Commissioners report that the road is in repair, the complainants shall pay the costs of the proceeding; and if the said road shall remain out of repair twelve months, this charter shall be forfeited.

SEC. 41. *Be it enacted*, That all the rights and privileges herein granted shall continue to said Company, and successors for a period of ninety-nine years, from the passage of this act.

Harpeth Lick,  
Bethesda and  
Thompson Sta-  
tion Turnpike  
Company.

SEC. 42. *Be it further enacted*, That J. Jordan, W. P. Rucker, J. B. Wilson, J. S. Oglivie, Thomas Brooks, George W. Chrisman, W. T. Burnett, N. D. Irwin, E. Thompson, Isham Lamb, C. J. Lyle, and Geo. W. Barker are hereby created a body politic and corporate, under the name and style of Harpeth Lick, Bethesda and Thompson-Section Turnpike Company, and invested with authority to construct a turnpike-road from Harpeth Lick, in Williamson County, to Thompson's Station, on the Tennessee and Alabama Railroad, with all the powers, privileges, and immunities, and all the restrictions and limitations conferred in the charter incorporating the Franklin and Lewisburg Turnpike Company, and the acts amendatory thereto.

Knoxville Com-  
mercial Insu-  
rance Co.

SEC. 43. *Be it further enacted*, That John Williams, John L. Moses, Samuel A. White, William M. Churchwell, and the subscribers to the stock of the Company, and their successors, be, and they are hereby, declared a body politic and corporate, by the name and style of the "Knoxville Commercial Insurance Company," for and during the full time of ninety-nine years, from and after the passage of this act; that their capital



stock shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, and that they shall have the same powers and privileges, and be subject to the same restrictions, as are conferred and imposed by an act entitled "An act to incorporate the Nashville Commercial Insurance Company," passed February 11, 1854, substituting the word "Knoxville" for "Nashville," and the words "Commercial and Life Insurance Company" for "Commercial Insurance Company," wherever they occur in said act.

SEC. 44. *Be it further enacted*, That J. G. M. Ramsey, G. W. Churchwell, James C. Moses, A. A. Barnes, and L. F. Ragsdale, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Knoxville Hotel and Land Company;" (with power to change their name and style to any other name and style;) with power, by that name, to sue and be sued in all kinds of suits and actions, and generally to do and perform all other acts and things which bodies corporate may lawfully do; and they shall have all the privileges and powers conferred upon the City Hotel Company of the city of Nashville, by an act passed December 12, 1831, and by an act to incorporate the Jackson Hotel Company, and for other purposes, passed February 4, 1850, as far as the same may be applicable—the capital stock of said Knoxville Hotel and Land Company, not to exceed one hundred and fifty thousand dollars.

Knoxville Hotel  
and Land Co.

SEC. 45. *Be it enacted*, That T. Davy, Wm. B. McCollum, R. S. Bradford, James Hanna, A. B. Crock, D. M. McCollum, and John T. Trice, or any five of them, be, and they are hereby, appointed Commissioners to open books to receive subscription for stock, for the purpose of building a Plank-road from Saltillo, in Hardin County, *via* Center Point and Jack's Creek, in Henderson County, and intersecting with the Mobile and Ohio Railroad at the nearest depot, at such times and places as they may think best, either in cash subscriptions, or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them, shall be Commissioners to locate said road, and shall be, and are hereby, constituted a body politic and corporate, by the name and style of the Saltillo and Jack's Creek Plank-road Company; and by that name may sue and be sued, plead and be impleaded; have a common seal and succession for ninety-nine years.

Saltillo and  
Jack's Creek  
Plank-road Co.

SEC. 46. *Be it enacted*, That the capital stock of said

**Capital stock.** Company shall be twenty-five thousand dollars, with the privilege of increasing the same to an amount sufficient to complete said road, and that said capital stock be divided into shares of ten dollars each, to be applied in the construction and keeping in repair said plank-road.

**Directors.** Sec. 47. *Be it enacted,* That when five thousand dollars shall be subscribed, a meeting of the Stockholders may be held, at such time and place as said Commissioners may appoint—of which due notice shall be given to the subscribers; and when convened, may proceed to elect seven Directors, who shall be Stockholders, and five of whom shall constitute a quorum to do business, to pass by-laws, and organize the Company, and commence the construction of said road; and as soon as five miles of said road shall be completed, the said President and Directors shall have the power to erect one toll-gate, and for every five additional miles completed by said Company, they may erect one additional gate—at each of which they are authorized to charge and receive the same rates of toll allowed by the Franklin Turnpike Company, passed December 31, 1829, chapter 205.

**Grade.** Sec. 48. *Be it enacted,* That said road shall be graded at least eighteen feet wide, with sufficient ditches on each side to carry off the water and drain the same, with an elevation of not more than five degrees at any point on said road, and one side of the road to be covered with plank, gravel, charcoal, or other sufficient material, at least nine feet wide.

**Liabilities.** Sec. 49. *Be it enacted,* That the damages and liabilities set forth in an act passed January 28, 1854, chartering the Memphis and Horn Lake Plank-road Company, be, and the same is, applicable to this act.

**Town of Clifton.** Sec. 50. *Be it enacted,* That the town of Clifton, in the County of Wayne, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Clifton, and shall have perpetual succession; and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, personal, and mixed property, or dispose of the same for the benefit of said town; and may have and use a town seal.

**Boundaries, &c.** Sec. 51. *Be it enacted,* That the corporation of the town of Clifton shall include the following lands, to wit: Beginning at the mouth of Ross's Creek, on the Tennessee River, running up said creek, with its meanders, to the south-east corner of the town tract; thence west, with the south boundary of said tract, to the south-west

corner of the same; thence to the Tennessee River; thence down said river, with its meanders, to the beginning.

Sec. 52. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary to preserve the health of the town; to prevent and remove nuisances; to establish patrols; to ascertain and establish, when necessary, the boundaries and locations of streets, lots, and alleys; to provide for licensing, regulating, and restraining theatrical and other amusements within said town; to restrain and prohibit gaming; to keep in repair the streets; to pass all regulations necessary for the same; to appoint a Recorder and Constable; to impose and appropriate fines, penalties, and forfeitures for a breach of their by-laws; to levy and collect taxes for carrying the necessary measures into operation for the benefit of said town; to regulate and restrain drinking-houses; to restrain and punish persons for fighting, breaking the Sabbath, and shooting within the limits of said town; and to pass such ordinances as may be necessary to preserve the good order of said town, and enact penalties and impose the same, so that they do not violate the Constitution and laws of this State.

Powers.

Sec. 53. *Be it enacted*, That all fines, penalties, and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single Justice of the Peace—subject to appeals as in other cases—and if exceeding fifty dollars, then to be recovered by action of debt in the Circuit Court in the County of Wayne, in the name of the corporation, and for the use of the town.

Fines—how to be recovered.

Sec. 54. *Be it enacted*, That the Sheriff of Wayne County shall hold an election at the usual place of holding elections for members of the General Assembly, in the town of Clifton, on the first Saturday in April next, and on the same day in each and every year thereafter, for the purpose of electing seven persons to serve as Aldermen of the said corporation for one year, commencing on the first Monday in May thereafter; and all persons residing in said town who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for Aldermen, and no person shall be eligible to the appointment, unless he shall have a freehold in said town, and has been a citizen thereof for six months previous to said election.

Aldermen.

Sec. 55. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken as duly

Mayor. elected Aldermen of said town; and the Sheriff of said County of Wayne shall, within two days thereafter, notify said Aldermen of their election, whose duty is shall be to meet within two weeks at the place of holding elections as aforesaid, and proceed to elect, by ballot one of their own number to be Mayor of said corporation as Aldermen aforesaid; and whenever any Mayor of said corporation shall die, remove out of said town, or resign, another election shall be made, by the Aldermen aforesaid, of any other person for the term then unexpired; and when any Aldermen shall die, remove, or resign, such vacancy shall be filled by the Mayor and Aldermen of said town at any regular meeting, and the person or persons by them appointed, shall serve until the next election.

Sec. 56. *Be it enacted*, That this act shall take effect from and after its passage.

Sec. 57. *Be it further enacted*, That the corporate limits of the town of Lagrange, in the County of Fayette, be extended as follows:—Beginning at the south-east corner of Lagrange, as now incorporated; thence west to a point on a line with the western boundary of the lot of land now occupied by Edmund Winston as a residence; thence in a direct line to the Somerville road, where the Memphis and Charleston crosses said road; thence with the eastern margin of said Somerville road to a point opposite the northern boundary, of the land now occupied and owned by John Wootten; thence east to a point opposite the eastern side of the Male College lot; thence south to a point due east from the beginning; thence west to the beginning: *Provided*, that the majority of the legal voters voting living in the territory, in addition to the present limits of said town, shall vote for annexation; that the Constable of the civil district shall open and hold an election on the first Saturday in May next, at some point he may designate in said addition of territory; and if a majority vote for annexation, said territory shall be included within the corporate limits of said town of Lagrange, but if a majority no annexation, then and in that event it shall remain as heretofore; the tickets shall be "Annexation" and "No annexation;" that the persons qualified to vote, may, however, at any time they desire—a majority voting for it—upon a notice given of such election of ten days, may be included within said limits of the town of Lagrange; and that this act take effect immediately after its passage.

Sec. 58. *Be it further enacted*, That, from and after the passage of this act, any Stockholder of the McMin-

Lagrange—cor-  
porate limits  
extended.

ville and Manchester Railroad Company shall be eligible to election as Director of said Company, without regard to the number of shares of stock owned by him in said Company. Director of Mc-  
Minnville and  
Manchester  
Railroad Co.

SEC. 59. *Be it enacted*, That the south boundary line of the town of Morristown be extended forty poles farther east; thence to the east corner of Henry Adams's resident lot; thence to the beginning corner of said corporate limits of Morristown. Morristown—  
limits extended.

SEC. 60. *Be it enacted*, That the town of Morristown shall be entitled to elect two Justices of the Peace—one of whom shall reside within that portion of the corporation lying in the County of Grainger, and shall be elected by the qualified voters thereof; and the other shall reside within that portion of the corporation lying in the County of Jefferson, and shall be elected by the qualified voters thereof. Elect two Mag-  
istrates.

SEC. 61. *Be it further enacted*, That the corporation of the town of Morristown shall have all the rights, privileges, and immunities, and be subject to all the liabilities, of the corporation of the city of Nashville. Charter amend-  
ed.

SEC. 62. *Be it enacted*, That nothing herein contained in this act shall be so construed as to allow banking privileges or State aid.

—NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 182.

AN ACT to incorporate the Jackson Building and Loan Association Company; to incorporate the Tranton Building and Loan Association; to incorporate the Robertson Association of the city of Nashville; to incorporate the Jonesborough Building and Loan Association; to incorporate the Brownsville Building and Loan Association; to incorporate the Murfreesborough and Las Casas Turple Company; to incorporate the Nashville and Rowena Coal Company; to incorporate the Hialto Bridge Company; to incorporate the Hamilton Manufacturing Company; to incorporate the Jackson Mechanics' Institute; and to incorporate the Chattanooga Mechanics' Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Association, which shall be

Jackson Build-  
ing and Loan  
Association.

a mutual benefit and stock company, having for its object to assist the members thereof to become the owners of such real estate as they may need, instead of being mere renters thereof, is hereby authorized to be formed in the town of Jackson; and for that purpose, William E. Butler, John M. Morrill, Richard J. Hays, Alexander W. Campell, R. R. Dashiell, Sam'l J. Hays, John Chester, Thomas W. Gamewell, John L. Brown, John J. Brooks, and such other persons as may be associated with them, by becoming shareholders of the capital stock of the company hereby incorporated, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Jackson Building and Loan Association;" and may by their corporate name, sue and be sued, plead and be impleaded; may make and use a common seal, and alter the same at pleasure; and may use, exercise, and enjoy, all the rights, privileges, and immunities, which are incident to corporations.

Constitution and  
by-laws.

SEC. 2. *Be it enacted*, That the members of the said corporation shall have full power and authority to form and adopt such constitution, by-laws, rules, and regulations for the government of the corporation, and to choose and appoint such officers and agents for the transaction of the business of the corporation, as to them shall seem expedient; and such constitution, by-laws, rules, and regulations, shall have the force and effect of a legal enactment on the members of said corporation: *Provided*, that such constitution, by-laws, rules, and regulations, do not conflict with the laws of the land.

Capital stock.

SEC. 3. *Be it enacted*, That the capital stock shall be divided into shares of one dollar per month each, to be paid in monthly, until said corporation shall determine and close; and the capital stock of the said corporation shall not be less than five hundred nor more than five thousand shares, and subscriptions for stock shall be made in such mode as may be prescribed by said Association.

May loan funds.

SEC. 4. *Be it enacted*, That the funds of the said corporation may be loaned out to the stockholders in such manner, on such terms and conditions, and under such regulations, as the said corporation by its constitution and by-laws may prescribe: *Provided*, the same be secured by real estate; and any funds of the said corporation which may remain after the Stockholders have borrowed all they desire, may be loaned out to others than stockholders—they paying therefor interest at the



rate of six per centum per annum; *provided*, the same be secured by real estate.

SEC. 5. *Be it enacted*, That the said corporation shall have power to hold all such real estate as may be mortgaged or conveyed in trust to secure the said corporation in the loan of any of its funds; and the said corporation shall have power to purchase any such real estate as aforesaid, at any sale thereof made under any mortgage or conveyance in trust of any such real estate, to secure said corporation in any such loan as aforesaid, and the same to hold, and sell, or otherwise dispose of, as to the said corporation may seem expedient. May hold real estate.

SEC. 6. *Be it enacted*, That when each stockholder, for each and every share by him or her held, shall be entitled to receive the sum of two hundred dollars on distribution of the funds of the said Association, then the said corporation shall wind up, terminate, and close. When terminate.

SEC. 7. *Be it further enacted*, That Samuel Williams, M. R. Hill, John W. Elder, O. B. Caldwell, and William Lovin, and their associates, are hereby created a body corporate and politic, under the name and style of the "Trenton Building Association;" with the same capital, rights, powers, and liabilities, conferred in the preceding sections of this act upon the Jackson Building and Loan Association; and with the object of enabling the working men of Trenton and its vicinity to become their own landlords. Trenton B. and L. Association.

SEC. 8. *Be it further enacted*, That Randal W. MacGavock, Joseph W. Walker, B. Frank Cheatham, H. L. Claiborne, Eugene Underwood, John Hawkins, William Stockell, Thomas J. Hough, John Cheatham, Wm. Cogg, J. G. Ferguson, G. W. Donigan, James McLaughlin, D. G. Rumsey, Jas. Hutchison, R. O'Kane, William L. Nance, and J. H. McNairy, and their successors, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Robertson Association of the city of Nashville," in honor of the late Duncan Robertson—the Howard of Nashville—for the purpose of visiting, taking care of, and providing for, the afflicted and destitute; which, after organization, may sue and be sued, plead and be impleaded; hold, by purchase or otherwise, and convey and dispose of the same, any real or personal estate, which may come into their possession for the purposes of carrying out the objects of its organization; shall have succession of membership; have and use a common seal, alter and destroy the same at pleasure; adopt a constitution and make by-laws, not inconsistent with existing laws; and do and transact all and every the business, the object of Robertson Association of the city of Nashville.



its creation, as other bodies corporate and politic are empowered to do by the existing laws of the State of Tennessee.

**SEC. 9.** *Be it enacted,* That said Association shall be organized by the election of a President, Vice President, Secretary, and Treasurer; said election to be held annually on the 22d day of February, by ballot, and the the officers to continue in the discharge of their official business until their successors are duly elected.

**SEC. 10.** *Be it enacted,* That said Association may hold property of every description whatsoever in trust for the charitable purposes for which the corporation is formed; that the above specified property, and all other character of property the corporation are entitled to hold, shall be under the management and control of its officers, as directed by the Association.

**SEC. 11.** *Be it enacted,* That in the event of a dissolution of the corporation, the funds on hand, after settlement of all debts due by the Association, and the property owned in fee simple, shall be paid over to the Orphans' Asylums of the city of Nashville.

**SEC. 12.** *Be it enacted,* That said Association shall have the authority, under existing laws, and with the sanction of the County Court, to receive orphans, both male and female, and bind them out to suitable trades; to see that the indentures are faithfully complied with in detail:

**SEC. 13.** *Be it further enacted,* That John D. Warr, S. R. Wood, R. E. Gordon, R. S. Thomas, B. F. Henly, A. Y. Klyce, and their associates, are hereby created a body corporate and politic, under the name and style of the "Brownsville Building and Loan Association;" with the same capital, rights, powers, and liabilities, conferred in the preceding sections of this act upon the Jackson Building and Loan Association; and with the object of enabling the working men of Brownsville to become their own landlords.

**SEC. 14.** *Be it further enacted,* That Wm. L. Flowers, John Norvell, William Alexander, Robert H. Anderson, Robert W. Wilson, John Umphlett, L. Lightfoot, Robert Wood, James A. Marks, William W. Gates, and John M. Parker, and their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, by the name and style of the "Jackson Mechanics' Institute and Library Association;" and shall be capable in that name to receive and hold any property, real or personal or mixed, which may be given, granted, sold, conveyed, or devised to them for the use and benefit of the afore-named Institute; and to

Brownsville B.  
and L. Associa-  
tion.

Jackson Me-  
chanics' Insti-  
tute and Library  
Association.

use and dispose of the same as they may think best for the benefit thereof; and by the name aforesaid, shall be able to sue and be sued, plead and be impleaded, in any court of law or equity; and have all the powers, rights, and privileges, of a perfect body corporate and politic.

SEC. 15. *Be it enacted*, That the stock of the Jackson Mechanics' Institute and Library Association may be Capital stock. thirty thousand dollars, to be divided into shares of twenty dollars each.

SEC. 16. *Be it enacted*, That so soon as shares shall be taken to the amount of five hundred dollars, the Stockholders, or any one of them, may, by giving twenty days' notice in some newspaper published at Jackson, Directors. call a meeting of the Stockholders; and the Stockholders, when assembled, shall elect a Board of Directors, to consist of such members as they may think proper, prescribing the time for which said Board of Directors shall be elected, and the time at which they may assume power to act as such; each Stockholder in this and other elections being allowed one vote for every share of stock which he or she may possess in said Institute.

SEC. 19. *Be it enacted*, That the Board of Directors Officers. elected by the Stockholders, or a majority of said Directors, shall be empowered to elect a President, Treasurer, Secretary, and such other officers as they may determine upon, from among their own number, and define their duties; to make by-laws and regulations for the government of the Company and Directors; and do all other acts usual for like Directors to do; and they shall further be empowered by the vote of two-thirds of their number, to purchase a site for buildings, and contract for the erection of a suitable edifice thereon.

SEC. 18. *Be it enacted*, That the by-laws of the Company may, amongst other things provided for— By-laws.

1. For holding an annual exhibition, where American mechanics, manufacturers, inventors, artists, and all who may have made any discoveries in the arts and sciences, may be enabled to exhibit the productions of their skill and ingenuity, in competition for the prizes which may be offered by the Institute for superiority.

2. For the formation of a school of design, adapted to mechanical, manufacturing and scientific purposes, in which the members of the Institute may be taught the art of drawing and engraving.

3. For the establishment of popular lectures on subjects connected with mechanics, manufactures, and the

useful arts, or other subjects; and may charge and receive admittance fees thereto.

4. For the formation and sustaining of a Library and Reading Room, with a cabinet, utensils, models, and philosophical and mechanical apparatus; and fix the fees and rules and regulations thereof.

5. For any other subject or object not inconsistent with this charter, or the laws or Constitution of this State and the United States.

SEC. 19. *Be it enacted*, That the Directors of said Company may elect or appoint such subordinate officers and agents as the business and interest of the Company may require, and allow them suitable compensation from the funds of the Company.

SEC. 20. *Be it further enacted*, That H. Hoss, G. Willet, W. H. Crouch, and their associates, be, and they are hereby, incorporated by the name and style of the "Jonesborough Building and Loan Association;" and by that name may have all the rights, powers, privileges, immunities, as are granted and conferred by the preceding sections of this act, so far as the same are applicable.

SEC. 21. *Be it further enacted*, That Benj. Johnson, John Baird, Wm. H. Smith, James McCulloch, Sam'l J. Rucker, Sam'l McAde, and Warren Moor, be appointed Commissioners, any five of whom may act, to open books for subscription of stock, at such place or time as they may deem proper, to build a turnpike-road from Murfreesboro to Las Casas, in Rutherford County; or some point near Las Casas, to intersect the turnpike-road leading from the eastern terminus of the Jefferson Turnpike, to Cainsville, Pleasant Valley, as the Commissioners may think best; and when a sufficient amount of stock is subscribed to build five miles of said road, in shares of twenty-five dollars each, payable either in work or money, as agreed upon, a meeting of the Stockholders shall be called at Jones's Cross Roads—of which twenty days' notice shall be given; at which meeting five of their number shall be elected Directors—one of whom, shall be by the Board elected President; and said President and Directors, and their successors in office, shall be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Murfreesboro and Las Casas Turnpike Company;" and shall so continue, and may receive, buy and sell property; may sue and be sued, plead and be impleaded in all the courts of this State, or elsewhere; and shall be entitled to all the rights, powers, and privileges, and subject to the same liabilities and restrictions which are granted, con-

Jonesboro' B.  
and L. Associa-  
tion.

Murfreesboro  
and Las Casas  
Turnpike Com-  
pany.

ferred and imposed upon the Murfreesboro and Woodbury Turnpike Company, according to an act passed February 2, 1850; and the said Murfreesboro and Las Casas Turnpike Company shall have the same powers and privileges in erecting toll-gates, and fixing the rates of toll, and be subject to the same liabilities which are prescribed in said act; and said Company shall have the time of four years from the passage of this act to commence and complete said road. The said Murfreesboro and Las Casas Company shall have power to erect a toll-gate on said road so soon as five miles of the said road is completed, commencing at Murfreesboro.

SEC. 22. *Be it further enacted*, That A. R. McKee, A. J. McWhorter, J. D. Winston, Irby Morgan, O. F. Hurt, and Ed. Burke Pickett, are hereby appointed Commissioners to open books for the subscription of stock in a company to be known and designated as the "Nashville and Rowena Coal Company," the object of which is to mine, and transport on the Cumberland River to Nashville and other points, coal and lumber. The said Company is hereby declared a body politic and corporate; and they may have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal; may purchase, hold and convey, any real or personal estate necessary for the purposes of carrying on the coaling business—such as horses, wagons, equipages, lots, wharves, and parcels of land, &c., &c., &c.; may make such rules and regulations for the government of their own affairs, as they may think proper, not inconsistent with the laws of this State or of the United States.

Nashville and  
Rowena Coal  
Company.

SEC. 23. *Be it enacted*, That the capital stock of said Company shall consist of one thousand shares of one hundred dollars each, which may be increased or raised by the Company to five thousand shares; and it is further provided that the Company may receive lands and coal mines, to constitute a part of the capital of said Company, upon such terms as may be agreed upon by the owner of such coal lands and the Company. The shares of the same shall be deemed personal property; and may be transferred on the books of the Company.

Capital stock.

SEC. 24. *Be it enacted*, That the Company may erect saw-mills and grist-mills, wharves, landings, boats and water-crafts, turnpikes, railroads, to and about the mines, and about the coal depots in the city of Nashville; or elsewhere it may be desirable, and to connect their mines with the river: *Provided*, that the right of way in the first instance shall have been obtained by the

May erect saw-  
mills, &c.

owners of such property whereon such roads may be built.

Directors.

Dividends.

SEC. 24. *Be it enacted*, That the affairs of said Company shall be conducted by a President, Secretary and Treasurer, and five Directors annually elected by the Stockholders, and such other subordinate officers and employees as the Board of Directors may elect or appoint; each Shareholder shall be entitled to one vote, and every Stockholder shall be entitled to as many votes as he may have shares. Dividends shall be declared annually upon the Secretary's books, which shall be open to the inspection of the Stockholders. The Directors shall have power to declare stocks forfeited; or may sue for and recover calls due upon stock as any other debts, before the tribunals having jurisdiction in similar cases.

Rialto Bridge Company.

SEC. 25. *Be it further enacted*, That Charles McKinney and John A. McKinney, of the County of Hawkins, and their associates, are hereby incorporated, under the name and style of the "Rialto Bridge Company;" with the authority to build a bridge across Holston River, in said County, and with all the rights, powers, privileges, and to be liable to all the restrictions and liabilities, granted to the Broyles and Henshaw Bridge Company, (to build a bridge across Nolachucky River, in the County of Greene,) by an act passed October 27, 1855.

Hamilton Manufacturing Co.

SEC. 26. *Be it further enacted*, That Josiah Brown, William D. Fulton, Henry S. Abrahams, Robert Anderson, and Joseph R. Abrahams, their associates and successors, be, and they are hereby, constituted a body corporate and politic, by the name of the "Hamilton Manufacturing Company;" with power, by that name, to sue and be sued, plead and be impleaded; to have a common seal, alterable at pleasure; and generally to do and perform all other acts and things which bodies corporate may lawfully do for the purposes hereinafter named.

Capital stock.

SEC. 27. *Be it enacted*, That the capital stock of said Company shall be fifteen thousand dollars, with the privilege in the Company to raise it to one hundred and fifty thousand dollars; that the stock shall be divided into shares of one hundred dollars each, transferable on the books of the Company.

Powers

SEC. 28. *Be it enacted*, That the said Company shall have full power to purchase, sell, or mortgage, such real or personal property as may be necessary in the transaction of their legitimate business.

SEC. 29. *Be it enacted*, That said Company shall have

full power and authority to erect and operate all such machinery as they may deem necessary for manufacturing purposes.

SEC. 30. *Be it enacted*, That said Company shall have power to elect and appoint such officers as they may deem necessary; in such election each share of one hundred dollars shall entitle the Shareholder to one vote, which may be given in person or by proxy, and every Stockholder shall be entitled to one vote for each share; *provided*, no one person shall be entitled to more than twenty votes.

SEC. 31. *Be it enacted*, That said Company shall have power to adopt such rules and regulations as may best promote the objects of this charter, not inconsistent with the Constitution of the United States and the Constitution and laws of the State of Tennessee.

SEC. 32. *Be it further enacted*, That John Williams, Harvey Phillips, John W. White, Francis M. Walker, Alfred D. Taylor, Jonathan Lees, and Albert G. Welcker, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Chattanooga Mechanics' Institute," to be located in the city of Chattanooga, with all the powers, privileges, and immunities as are given in this act to the Jackson Mechanics' Institute and Library Association, and subject to the same liabilities and restrictions as are imposed on said Jackson Mechanics' Institute and Library Association.

Chattanooga  
Mechanics' Institute.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 16, 1856.

## CHAPTER 188.

AN ACT to incorporate the Rosetta Mining and Smelting Company; the Harrison and Hamilton Mining and Manufacturing Company; and the Citizens' Coal Company of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic is hereby established, by the name and style of the



Rosetta Mining and Smelting Company, for the purpose of mining for copper, iron, and other metals, ores, and minerals; and for smelting and manufacturing said metals, ores, and minerals into plates, bars, implements, machinery, &c.; and said Company by its said corporate name, may sue and be sued, plead and be impleaded, answer and be answered, in any and all courts; may make and have a common seal, and the same may alter or change at pleasure; may hold by purchase or otherwise, any real estate—and the same dispose of—which may be necessary or convenient in carrying on the operations of said Company; may erect all necessary buildings or fixtures, and the same may alter at their pleasure: *Provided, nevertheless*, that the real estate so held shall in no case exceed in value double the maximum of its capital hereinafter provided.

Sec. 2. *Be it enacted*, That the capital stock of said Company may be divided into such number of shares as the Company shall deem most expedient and advantageous; *provided, nevertheless*, that said shares shall not be less than twenty-five dollars, nor greater than one thousand dollars each, and shall be transferable only on the books of the Company, and then only with the consent of the Board of Directors, unless the full amount of such shares shall have been paid. The Company shall have power to declare forfeited to it any stock upon which instalments regularly called for shall be due and unpaid for three months; or it may, at its option, sue for and recover the amount so due and unpaid before any courts having jurisdiction; yet thirty days' notice of the making of all calls on stock shall be given by publication in some newspaper published at Knoxville; and said Company shall not have power to transact its business at more than two points.

Sec. 3. *Be it enacted*, That the officers of said Company shall consist of five Directors, who, together with a President, by them elected from their own body, shall manage its affairs, and shall, at least once in every year, make a thorough and detailed report of the operations of the Company to the Stockholders; said Directors shall be elected by the Stockholders—each Stockholder being entitled to one vote for every share owned by him, and the Stockholder may vote in person or by proxy. The Directors shall hold their office for one year, and until their successors are elected, and may fill all vacancies occurring in their own body by election; yet no person shall be eligible to the office of Director, who does not in good faith own five hundred dollars in the capital stock of said Company.



SEC. 4. *Be it enacted*, That W. C. Kain, Thomas E. Oldham, Donald Campbell, of Knox, James H. Gillespie, of Blount, and James Ross, of Anderson, be, and they Commissioners are hereby, appointed to open books for subscription to the capital stock of said Company, and they, or any three of them shall, after giving thirty days' notice of the time and place of opening said books, shall proceed to open said books and receive subscriptions to said stock; and so soon thereafter, as a sum equal to twenty-five thousand dollars shall have been subscribed, they shall call a meeting of the Stockholders, and shall organize said Company; and said meeting of Stockholders shall fix the maximum amount of the capital stock of said Company, and the number of shares: *Provided*, nevertheless, that said maximum amount shall in no case exceed one million of dollars; and should there be a less number of shares subscribed for than will equal said maximum amount of capital stock, the Capital stock Company may provide for the subscription of the remaining shares in such manner, and under such regulations, as they may deem proper. Nothing herein contained shall be so construed as to authorize said Company to incur any liabilities not incident to mining, smelting and manufacturing Companies; or in any way to confer banking privileges on said corporation.

SEC. 5. *Be it further enacted*, That Felix G. Blocker, William Johnson, Andrew G. W. Puckett, Robert C. McRee, and John Caldwell, are hereby made a body politic and corporate, by the name and style of the Harrison and Hamilton Mining and Manufacturing Company. "Harrison and Hamilton Mining and Manufacturing Company;" for the purpose of mining for coal, iron, and other ores, minerals, and metals—smelting, manufacturing, and vending the same; to continue and have succession for the term of ninety-nine years; with power to make and use a common seal, and the same to alter or change at pleasure; to sue and be sued, plead and be impleaded; to hold by purchase or otherwise, any personal or real property that may be necessary or convenient for the prosecution of its business, or which may become necessary to take for debts due it, and to dispose of the same in any manner it may deem best.

SEC. 6. *Be it enacted*, That the capital of the said Company shall not be less than one hundred thousand dollars, nor more than two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and which shall be considered in law as personal property, and shall be transferable only on. Capital stock

the books of the Company by the Shareholder in person or by attorney.

**Directors** SEC. 7. *Be it enacted*, That that the said persons named in this act, shall be the Directors of the Company for the first year, and until others are elected in their stead; that they shall have power to open books for subscription to the capital stock, and to make assessments on the stock from time to time; with full power to forfeit to the Company all shares on which instalments are not paid, together with all sums previously paid into said Company, when calls shall remain unpaid for the space of three months after the said call becomes due and payable: *Provided, always*, that said **forfeited stock.** forfeiture shall not be valid as against any Stockholder residing out of this State, until the defaulting Stockholder has had thirty days' notice, by publication in some newspaper, and also, thirty days' notice in writing, regularly directed and mailed to the address of the Stockholder who is in default; and when the defaulting Stockholder resides in this State, then service of notice in writing thirty days' time shall be sufficient. **By-laws.** The Directors shall have power to make by-laws for the government of said Company and corporation, not inconsistent with the Constitution of the United States, or that of the State of Tennessee; to fill all vacancies that may occur in their body; shall fix the time and place of their annual meetings, and give due notice of the same; shall have power to employ or discharge agents and employees that may be deemed necessary and advisable for the prosecution of the business of said Company.

**O. corp.** SEC. 8. *Be it enacted*, That the Stockholders of said Company shall elect a President and Directors, Secretary and Treasurer of said Company, after the first year of their annual meeting; and in case of failure to elect said President and Directors at the regular annual meeting, the old Directors are to hold their office until the new Board are elected; and this charter shall not be forfeited on account of said failure to elect at the regular annual meeting. The President, at the request of three or more of the Directors, shall have power to call a special meeting of the Board, on thirty days' notice being given in some newspaper, of the time for said meeting. At all regular meetings of the Stockholders, they shall each be entitled to one vote for each share owned by them either in person or by proxy.

**Dividends.** SEC. 9. *Be it enacted*, That the President and Directors shall have power to declare dividends to the Company semi-annually; but not to make such divi-

dends as would disable the Company to carry on its business, and pay its debts—for which, all the property both real and personal of said Company shall be liable. The President and any two of the Directors shall constitute a Board sufficient to transact any business of the Company except in declaring dividends, when all the Directors shall be present and agree thereto.

SEC. 10. *Be it enacted*, That the first meeting of the Company shall be in the town of Harrison, in Hamilton County, Tennessee; and afterwards at such place as the Board may select at the annual meeting.

First meeting

SEC. 11. *Be it further enacted*, That when three or more persons shall subscribe the sum of one thousand dollars or more, a company is hereby authorized, to be styled the "Citizens' Coal Company of Nashville;" and by said corporate name, they shall be capable in law to buy, receive by gift, sell, release, and convey, real estate, to the extent of ten thousand dollars; to buy and sell coal and other fuel, annually, of fifty thousand dollars, or more, if the wants of the Stockholders and other citizens of Nashville, Davidson County, and the adjoining Counties and towns, require it; to make contracts for carts, horses, mules, drays, wagons, &c., for the purpose of carrying said object into efficient effect; to sue and be sued; plead and be impleaded; to make by-laws and all other lawful acts incident to a corporation, and necessary to the transaction of the business for which said association is incorporated.

Citizens' Coal  
Company of  
Nashville.

SEC. 12. *Be it enacted*, That the object of the association, and the legitimate power of said Company is to purchase coal and other fuel in large quantities at wholesale prices, and to distribute the same to the Stockholders at the same price as near as may be, adding only the necessary incidental expenses of such distribution, and to sell to others not Stockholders, at as low a price as possible; said prices to be at all times fixed and controlled by the President and Directors of said Company.

Object.

SEC. 13. *Be it further enacted*, That the said Company may purchase, possess, and hold, a sufficient number of horses, mules, carts, drays, wagons, &c., for the speedy delivery of fuel, and may use them in other business, when not engaged in the delivery of fuel. They shall also have power to appoint agents to purchase and sell coal and wood; and to do and perform any other act or business necessary to carry out the objects of the association.

SEC. 14. *Be it further enacted*, That the shares of stock in said Company shall be five dollars each; that

Shares of stock.

when stock is subscribed the same shall be paid to the Treasurer, in current money or cash; and it shall be the duty of the President and Directors, by themselves or Treasurer, to deliver to such subscriber a certificate or certificates thereof, entitling the holder of the same to receive, at the office of said Company, coal or wood for the amount of stock taken by him, her or them; and when said certificate or certificates are redeemed, the holder will no longer be considered a Stockholder, unless his subscription is renewed and paid: *Provided*, that no one individual—unless a manufacturer—shall be permitted to subscribe more than eighty shares of five dollars each.

May purchase fuel.

SEC. 15. *Be it further enacted*, That said Company be, and they are, authorized to purchase coal and other fuel to the full amount of stock subscribed in any one year; and after supplying the wants of the Stockholders at the price to be fixed by the President and Directors, and the sale of the surplus, the profits arising from the sales after deducting all necessary expenses, shall be divided among the certificate or stock holders, according to their respective interests.

Certificates.

SEC. 16. *Be it further enacted*, That the certificates issued as above provided for, shall be presented at the office, or one of the offices of said Company, within twelve months from the date of their issue. The said certificates are hereby made transferable, and if presented within twelve months, if said Company fails to discharge them with fuel, they shall pay the same in cash, with ten per cent. interest thereon—or on failure to do so, forfeit this charter.

Treasurer.

SEC. 17. *Be it further enacted*, That it shall be the duty of the President and Directors to appoint a Treasurer, and require of him a bond with good and sufficient security, with an adequate penalty conditioned faithfully to discharge the duties which may be required of him. They shall also be required to make report and publish the same in two or more of the Nashville city papers, showing on the first day of June in each and every year, the amount of certificates issued for stock taken; the amount redeemed; what is outstanding and unsatisfied; the amount and value of coal and wood on hand; the number of horses, mules, carts, drays, wagons, &c., on hand; their value, and the class of Stockholders interested therein; the amount of profits on sales, &c.; the prices for which fuel was sold to certificate or stock holders; the prices at which the same was sold to others. It shall also be their duty, if any profit remains after paying for horses, mules, carts, drays, wag-

Report.

ons, &c., to distribute the same among the certificate holders, on the 1st July in each an every year.

SEC. 18. *Be it further enacted*, That the books for stock in said Company shall be opened at the offices of said Company on the 1st July in every year, and shall be kept open until the 1st November, or longer if the President and Directors shall so direct; and any person resident of the city of Nashville, Davidson County, or any of the adjoining Counties, or any corporation, are privileged to take stock therein, by the payment of the amount subscribed to the Treasurer, and receive a certificate or certificates therefor: *Provided, however*, no corporation or manufacturer shall be entitled to take more than two hundred and fifty shares of five dollars each. Open books.

SEC. 19. *Be it further enacted*, That when any three or more persons shall agree to subscribe the amount prescribed in the first section of this act, they are authorized to fix upon a day and after publishing the same in one of the city papers; proceed to the election of a President and two Directors, who shall hold their respective offices until the first day of November next. After the first election, a President and two Directors shall be annually chosen—who shall be Stockholders—on the first or second of November in each and every year, and who shall hold their respective offices for one year, or until their successors are chosen and qualified. Should a vacancy occur at any time by death or resignation, a called election shall be had to fill such vacancy. Meeting of Stockholders.

SEC. 20. *Be it further enacted*, That the said President and Directors be, and they are hereby, authorized to expend one half of the profits of the first year's operations in the purchase of mules, horses, carts, drays, wagons, &c., which expenditure shall be considered the property of the first year's certificate holders; and the actual value of said property at the end of the first year's operations, shall be chargeable to the profits arising to the certificate holders of the second year's operations, and paid to them according to their respective interest; and so on during the continuance of this charter; and any other property purchased and necessary for carrying out this organization shall be chargeable and payable in like manner. Profits.

SEC. 21. *Be it further enacted*, That it shall not be lawful for any corporation, manufacturer, or individual, other than those hereinbefore and hereinafter specified, to purchase more than five hundred shares in said corporation; and if it shall appear that any person or Penalties.

persons, corporation or manufactory engages in the purchase of said certificates for speculation or otherwise, upon proof thereof, before a Justice of the Peace, or a Judge of a Court—the defendant being duly warned by ten days' previous notice, he, she, they, or it, shall forfeit all the stock and certificates held by them or either of them.

Capitol and Penitentiary. SEC. 22. *Be it enacted*, That the State of Tennessee, for the use of the Capitol and offices, may take a sufficiency of stock in said Company, to provide fuel for the use of the Capitol and said offices; and that the State Penitentiary may also take stock, and receive certificates to an amount sufficient to purchase all the fuel necessary to carry on their works.

SEC 23. *Be it further enacted*, That this charter and its privileges, be continued in force for and during the period of twenty years.

SEC. 24. *Be it further enacted*, That 'Doctor J. D. Winston, A. L. Davis, Wesley Wheelless, and Alex. R. McKee, be, and they are hereby, appointed Commissioners to open books for subscription of stock to the said Company.

SEC. 25. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 11, 1856.

## CHAPTER 184.

AN ACT to amend the charter of the Edgefield Bucket and Broom Manufacturing Company, passed February 21, 1852, and for other purposes.

The Mountain Factory. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Edgefield Broom and Bucket Manufacturing Company, granted on the 21st February, 1852, be so amended that the name of said company shall be changed to "The



Fountain Factory;" and also, that the objects and purposes of said company may be extended to the manufacturing of all kinds of cotton and woolen fabrics.

SEC. 2. *Be it further enacted*, That Duncan Brown, James W. Brown, and James W. Stephenson, of Maury County, Trustees of Union Seminary, of said county, be, and they are, authorized to sell said Seminary and grounds attached, on such terms as they may deem best, and apply the proceeds to the benefit of Stewart College at Clarksville: *Provided*, that before such sale and transfer, all persons interested in the institution, shall assent thereto.

Union Seminary  
may sell out.

SEC. 3. *Be it further enacted*; That Wm. Hays, Jesse D. Lay, Dennis Trammel, Drewry Ryon, Jacob Trammel, W. W. Cotton, Thomas Ryon, Jesse Shepperd, James Stephenson, James Wilson, John H. Chitwood, Archibald Murphy, of the County of Scott, and State of Tennessee, and such others as are at present, or may hereafter become members, are hereby constituted a body politic and corporate, under the style of the Supreme Society of the United Sons of Liberty, and shall have perpetual succession, and use a common seal: shall be capable in law to purchase, receive, hold, and enjoy to themselves, and those that may become associated with them, and their successors, any books, maps, charts, goods, chattels, lands, and tenements, which may be given, granted, purchased, or devised to them for the use and benefit of said society; and at discretion to appropriate, use, and dispose of the same in such a manner as to them may seem right and proper.

Supreme So-  
ciety of the Uni-  
ted Sons of Lib-  
erty.

SEC. 4. *Be it enacted*, That said corporation shall have power from time to time, to elect from their body suitable officers, and make such constitutional rules and by-laws for their government, as may be proper to promote the object of the society; and to elect to membership and to confer degrees upon all such persons as may become members, and be calculated to promote the interest and harmony of the society.

Officers.

SEC. 5. *Be it enacted*, That each subordinate Society of United Sons of Liberty that has, or hereafter may be, chartered and establish by said Supreme Society, in the State of Tennessee, according to the constitution, laws and usages of the order, shall be a body corporate by the name given to it in its charter, and in such other business as may be necessary for it as a society; they may also, in such name, have, and hold by purchase, or otherwise, so much real or personal estate as may be necessary for halls and pleasure grounds, for meetings,

Subordinate So-  
cieties.



and for all such schools, hospitals, and other establishments they may at any time establish and erect; and at pleasure dispose of the same in any manner they may think proper: *Provided*, that nothing contained in this act shall conflict with the constitution or laws of this State.

Holston River  
fish traps.

SEC. 6. *Be it further enacted*, That Harvey Walker, Barclay V. Walker, A. M. Snipe, William Reeder, Jas. M. Carter, Gaines McMillan, John A. McMillan, Perry Lisk, John D. McMillan, Henry Whaley, Robert Brady, John D. Walker, William R. Douglass, P. M. Monday, David Tarwater, R. R. Skaggs, and Charles W. Price, citizens of Knox County, be, and are hereby, authorized and empowered to construct a fish trap and dam on the south sluice of Holston River, at Charles Price's Island, in said county; and that they have granted to them all the privileges and immunities necessary to the erection and successfully keeping up said trap and dam: *Provided*, that said trap and dam be so constructed as not to obstruct, or in any way interfere with or impede the navigation of said river; and does not affect injuriously the property of any person or persons, by overflowing or backing the water of said stream upon their lands or premises.

Knoxville  
Steam Mill Co.

SEC. 7. *Be it further enacted*, That Matthew Nelson, Matthew B. McMahan, and T. B. Clarke, of the city of Knoxville, be, and they are hereby, authorized and empowered to open books at such time and place as they may deem best, for subscriptions to the capital stock in shares of fifty dollars, of a corporation, to be known by the name and style of the "Knoxville Steam Mill Company," and by that name to sue and be sued, to hold real estate and personal property, and to transact all business incident to, or in any wise appertaining to the manufacture or sale of flour, meal, &c.

Directors, &c.

SEC. 8. *Be it enacted*, That, upon a subscription of fifty thousand dollars being made, the stockholders may elect such a number of Directors as they may desire, to hold their offices for such term as they may prescribe and may regularly thereafter elect such board; may provide the manner of filling vacancies; may adopt rules for the transfer of stock; may determine when, and to what extent, the capital stock shall be enlarged; may use their machinery for other manufacturing purposes, if they see proper; may borrow money; may declare dividends; may have a common seal; may continue their corporate existence for fifty years: but, in no event, shall said corporation incur liabilities beyond the

amount of its capital stock—in the event they do, however, the stockholders shall each and all be liable individually for such excess.

SEC. 9. *Be it further enacted*, That J. A. Mabry and J. L. Moses, are appointed additional commissioners to open books for subscription of stock in the Knoxville Foundry Road Company, (incorporated by an act passed February 24, 1852,) and that the stockholders may proceed to organize said company whenever solvent subscriptions for stock shall be obtained to the amount of five thousand dollars.

Knoxville Foundry Road Co.

SEC. 10. *Be it enacted*, That A. L. Maxwell, Jr., J. S. Fisk, and L. F. Shepherd, are appointed commissioners to open books in the city of Knoxville for receiving subscriptions to the capital stock of the Knoxville Furniture Manufacturing Company; that said Company may have a capital stock of from ten to one hundred thousand dollars, and shall have all the powers and privileges conferred by an act passed January 2, 1854, upon the Knoxville Manufacturing Company.

Knoxville Furniture Manufacturing Co.

SEC. 11. *Be it further enacted*, That Matthew Nelson, J. A. Rayl, and J. M. White are appointed commissioners to open books in the city of Knoxville for receiving subscriptions to the capital stock of the Knoxville Iron Company, and that said Company may be organized upon the same terms, and shall have all the powers and privileges conferred upon the Knoxville Manufacturing Company by an act passed January 2, 1854.

Knoxville Iron Company.

SEC. 12. *Be it further enacted*, That J. B. Fortune, William B. Grove, E. R. Crandell, Jonathan Merrian, R. G. Thomas, and C. A. Still, and such other persons as may become shareholders of the capital stock of the Company hereinafter incorporated, and their successors, to the rights hereby conferred, be, and the same are hereby, constituted a body politic and corporate, by the name and style of the Brownsville Hotel Company, or any other name they may select, for the purpose of building a hotel in the town of Brownsville, Tennessee; and the said stockholders shall have succession, and, by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and dispose of real and personal property for the benefit of said corporation; and may have and use a common seal.

Brownsville Hotel Company.

SEC. 13. *Be it enacted*, That Robert S. Thomas, Jas. Weaver, J. D. Ware, and W. M. Smith, be appointed commissioners to open books, first giving notice in some newspaper printed in the town of Brownsville, for sub-

Commissioners.

scriptions for stock in said Company, any three of whom may be sufficient to act as such.

**Powers.** SEC. 14. *Be it enacted*, That the said Company shall have all the powers, rights and privileges, and be subject to the same restrictions and conditions as are contained in the charter of the Metropolitan Hotel Company, passed February 25, 1852, which charter is hereby incorporated into this act: *Provided*, that the capital stock of the Company hereby incorporated shall be only the sum of ten thousand dollars, to be divided into shares of twenty-five dollars each; but the amount of said capital stock may, from time to time, as the directors may think it expedient, be increased to any sum not exceeding thirty thousand dollars.

**Capital.**

White Horse  
Bend Channel  
may be changed.

SEC. 15. *Be it further enacted*, That authority is hereby given to the owner or owners of the land lying upon Duck River, in the White Horse Bend, in Humphreys County, to so change the channel of said river as to run it through a sluice, known as the cut off of White Horse Bend.

Covington and  
Sharon, & Mem-  
phis and Cov-  
ington Turnpike  
and Plank-road  
Co. amended.

SEC. 16. *Be it further enacted*, That the act incorporating the Covington and Sharon Turnpike Company be so amended as that the County Court of Tipton County shall order an election for fifty instead of twenty-five thousand dollars; one-half of which, if the money be voted, shall be applied to the construction of the Covington and Sharon Turnpike Company; and one-half to the construction of the Memphis and Covington Turnpike and Plank-road Company, under the same rules, regulations and restrictions that are applicable to the Covington and Sharon Turnpike and Plank-road Company: the money to be expended within the limits of the County of Tipton.

Emery Trans-  
portation and  
Manufacturing  
Company.

SEC. 17. *Be it further enacted*, That John Stanfield, A. G. Hall, C. D. McFarland, and Joseph Matthews, are hereby declared to be a body politic and corporate, under the name of the Emery Transportation and Manufacturing Company, and by this name to be known and have succession, to sue and be sued, to plead and be impleaded, to hold real and personal estate, to lease and to re-lease, and to make contracts and do all the business within the scope hereby conferred.

**Powers—toll**

SEC. 18. *Be it further enacted*, That said Company shall have power to improve the navigation of Emery River from the mouth up to Walden's Ridge, by widening or deepening its channel, or by canaling along its banks, or across its windings, by the removal of earth, rocks, bluffs, or other obstructions; and also, may erect

locks and dams; or by any other mode which will render said stream more safe for boats and other water craft to pass up or down; and said Company may have the power to condemn so much of the lands as may be necessary to carry out the objects contemplated in this act, by first having the same assessed and paid to the landholders; and that when said Company, or their successors, shall have cleared out, and opened, and made navigable in ordinary winter seasons, up so far as Walden's Ridge, the said Company may erect, establish and collect one toll on each and every water craft of whatever description, going up on this part of the river, which is the first section on said river.

SEC. 19. *Be it enacted*, That said Company may, at pleasure, continue the same from Walden's Ridge to the mouth of Clifty, with one other toll, to be called the second section; also, may continue from the mouth of Clifty to the mouth of Obey, with one other toll, to be called the third section; also, that said Company may continue the same up to the town of Montgomery, in Morgan County, with one other toll, to be called the fourth section: each section of said work to be done under the same rules and regulations of the first section, mentioned in the eighteenth section of this act. May continue.

SEC. 20. *Be it further enacted*, That said Company may establish and carry on the manufacture of iron, in all or any of its various branches, and bring the same from its crude state into market or use, as may be deemed best.

SEC. 21. *Be it further enacted*, That the stock of said Company may be divided into shares of one hundred dollars each, and may be increased, at the pleasure of the Company, to any amount that the business of said Company may require—said stock to be held as personal estate, and transferable only on the books of the Company in person, or by proxy. Stock.

SEC. 22. *Be it further enacted*, That said Company be released from taxation on any personal or real estate thereunto belonging.

SEC. 23. *Be it further enacted*, That said Company may issue bonds, and dispose of the same, provided said Company shall not have banking privileges; may use, or may not use, a common seal; may establish, pass, ordain, and fix any by-laws, from time to time, as occasion may require, for the government, rules and regulations of said Company, which are not inconsistent with the constitution and laws of Tennessee, and the constitution of the United States. May issue bonds.

SEC. 24. *Be it enacted*, That said Company shall be

Rates of Toll.

permitted to charge the same toll as is allowed to be charged by the Duck River Slack Water Navigation Company, by the act chartering the same, and any acts amendatory thereto.

Sec. 25. *Be it further enacted*, That nothing contained in this act shall be so construed as to allow the privilege of banking, or dealing in moneyed exchange; nor the extension of State aid.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 185.

AN ACT to incorporate the Building Company of the city of Memphis; the Galatin Building and Loan Association; the South Nashville Gas Light Company; the Merrittown Building and Loan Association; the Russellville Building and Loan Association; the Mathew Hill Academy, in Wilson County; the New Orleans and Ohio Telegraph Lessees; the Lebanon Building and Loan Association; the Jackson Saving Institution; the Dramatic Association of Memphis; and to charter the Home Insurance Company of Middle Tennessee.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. S. Macrea, William E. Millston, W. B. Galbreath, Winston J. Davie, and J. G. Finnie, and such other persons as may become associated with them by becoming Stockholders in the Company hereinafter incorporated, and their successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Building Company of the city of Memphis;" and by that name may sue and be sued, plead and be impleaded; make and use a common seal, and alter the same at pleasure; and enjoy all the rights, powers, privileges, and immunities incident to corporations, and which may be necessary to carry out the purposes of its incorporation.

Sec. 2. *Be it further enacted*, That the said Building Company of the city of Memphis, shall have the same capital, and all the rights, powers, liabilities, and restrictions, heretofore granted to the Building and Loan Association of the city of Memphis, by the act of 1854, chapter 23, entitled "An act to incorporate the Mem-

phic Building and Loan Association Company, and the Nashville Association;" and 2d, 3d, 4th, 5th, and the 6th sections of that act are referred to, and made part of this.

SEC. 3. *Be it further enacted*, That J. R. A. Tompkins, Joseph W. Robb, William S. Munday, James J. Turner, William Solomon, Thomas Boyers, R. Williamson, Samuel S. Bush, William S. Crutcher, Richard Allen, John H. Malone, Isaac W. Guthrie, G. S. Gray, W. H. Blackmore, Jo. C. Guild, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the "Gallatin Building and Loan Association," with the same capital, rights, powers, and liabilities, conferred in the charter of the Memphis Building and Loan Association, passed February 1, 1854; and with the object of enabling the renters of Gallatin and vicinity to become their own landlords.

Gallatin Building and Loan Association.

SEC. 4. *Be it further enacted*, That a company to be entitled the "South Nashville Gas-Light Company," shall be established with a capital stock of fifty thousand dollars, which may be increased to two hundred thousand dollars in the discretion of the stockholders; which shall be divided into shares of twenty-five dollars each; and the subscribers, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the "South Nashville Gas-Light Company;" and under such name and style, they may sue and be sued, contract and be contracted with, may use a common seal, change, alter and renew the same at pleasure; they may pass such rules and regulations and by-laws as may be deemed expedient, not inconsistent with the Constitution and laws of this State or of the United States; and shall have succession, and continue for a period of ninety-nine years; *Provided*, that the Board of Mayor and Aldermen of the city of Nashville shall assent to the privileges herein granted, so far as these privileges affect the rights, interests, or privileges of the city, or any part of said privileges.

South Nashville Gas-Light Co.

SEC. 5. *Be it enacted*, That C. K. Winston, A. V. S. Lindsley, Isaac Paul, Andrew Ewing, F. O. Hurt, J. M. Hoyt, H. M. R. Fogg, M. G. L. Claiborne, James M. Murrell, Herman Cox, and John Trimble, are hereby appointed Commissioners to open books of subscription. They shall give ten days' notice in the daily papers of the city of Nashville, of the time and place of opening said books; and after one-half of the stock, viz; twenty-five thousand dollars, shall be subscribed, the Commissioners shall give ten days' notice to the Stockholders.

Commissioners.



and then proceed to the election of seven Directors, to whom shall be entrusted the management of the affairs of the said Company, and who shall elect a President from their own number.

Sec. 6. *Be it enacted*, That the said Company may select any point south of Broad Street for the site of their manufactory.

Powers. Sec. 7. *Be it enacted*, That all the rights, privileges, powers and restrictions, contained in the 2d, 4th, 5th, 6th, 7th, 9th, 11th, and 12th, sections of an act incorporating the Nashville Gas-Light Company, passed November 29, 1849, not inconsistent with the first section of this act, shall apply to the South Nashville Gas-Light Company, as fully and completely as though the same were herein set forth and incorporated in this act.

Duty. Sec. 8. *Be it enacted*, That it shall be the duty of said Company to establish within three years from the first day of 1856, a gas manufactory.

Morristown B. and L. Association. Sec. 9. *Be it further enacted*, That Drury Morris, Russell Riggs, and John B. Jackson, be, and they are hereby, constituted a body politic, by the name and style of the "Morristown Building and Loan Association," with all the rights, powers, privileges, and immunities, conferred upon the Nashville Building and Loan Association.

Russellville B. and L. Association. Sec. 10. *Be it further enacted*, That F. W. Taylor, Joseph Eckle, Wm. J. Donaldson, Joseph Worley, and Eaton Pullen, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Russellville Building and Loan Association," with all the rights, privileges, and immunities, conferred upon the Nashville Building and Loan Association.

Mathew Hill Academy. Sec. 11. *Be it further enacted*, That there is hereby established and incorporated, in the 18th District of Wilson County, an Academy to be called the "Mathew Hill Academy," which Academy shall have and possess all the rights, privileges, and immunities, which by any of the existing laws of this State, are allowed to any of the County Academies in this State.

Trustees. Sec. 12. *Be it enacted*, That E. D. Owens, James A. Blankenship, and Thomas C. Ward, are hereby appointed Trustees of said Academy; and shall constitute a body politic and corporate, and as such may purchase or receive by gift or otherwise, and hold by themselves and their successors, any and all such lands and tenements and personal estate, as may be necessary for the carrying out of the objects of the establishment of said Academy. Powers. They may also dispose, by sale or exchange, of any or all of said property which may come into



their hands, as Trustees as aforesaid; whenever they shall believe that the interests of said Academy shall demand said sale or transfer; in order to make said sale or exchange good, it shall only be necessary for the signature of the President of said Board of Trustees to be signed to the deed purporting to convey the title: *Provided*, he shall be authorized to make said sale or exchange by vote of a majority of said Board.

SEC. 13. *Be it enacted*, That said Trustees and their successors, shall have power to hold meetings for the transaction of business at such times and places as may be agreed upon from time to time by said Trustees. A majority of said Board shall constitute a quorum for the transaction of all business connected with said Academy; and shall fill all vacancies in said Board. Meetings.

SEC. 14. *Be it enacted*, That said Trustees shall have power to make all such rules, regulations, and by-laws, not inconsistent with the laws of this State, as shall be necessary for the management of said Academy. Rules and Regulations.

SEC. 15. *Be it further enacted*, That S. F. B. Morse, W. D. Reed, George L. Douglass, Thomas L. Carter, Norvin Green, A. E. Trabue, John M. Tharp, James D. Reed, Amos Kendall, H. H. Freythe, and John Kendall, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "New Orleans and Ohio Telegraph Lessees," with full right, power, and authority, to sue and be sued, in their corporate capacity; to contract and be contracted with; and to have and use a common seal, and the same to alter, renew or break at their will or pleasure. N. O. and O. Telegraph Lessees.

SEC. 16. *Be it enacted*, That the capital stock of said Company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each, now held and owned by the partners respectively, in the following proportions, to wit:—By S. F. B. Morse, four hundred shares, \$10,000; by W. D. Reed, six hundred shares, \$15,000; by George L. Douglass, six hundred shares, \$15,000; by Thomas L. Carter, one hundred and seventy-five shares, \$4,375; by Norvin Green, five hundred shares, \$12,500; by A. E. Trabue, one hundred shares, \$2,500; by John M. Sharp, three hundred shares, \$7,500; by James D. Reid, five hundred and seventy-five shares, \$14,375; by Amos Kendall, five hundred and fifty shares, \$13,750; by H. H. Freythe, twenty shares, \$500; by John Kendall, ten shares, \$250; and by the whole Company, the remaining one hundred and seventy shares, \$4,250; or such proportion thereof, as the amount of their several interests in said stock above Capital stock.

named now bears to said sum ; which capital stock, the Lessees aforesaid may increase to any sum not exceeding five hundred thousand dollars, by the issue and sale of additional stock ; or by obtaining of stock subscriptions to said capital stock on such terms as they may contract for.

**Connections,** SEC. 17. *Be it enacted,* That said New Orleans and Ohio Telegraph Lessees, shall have the right to make all such telegraphic connections with the main line or lines of wire from Cincinnati, Ohio, to New Orleans, Louisiana, within the limits of this State, as they may see proper—saving the legal right of all other persons and corporations ; and when such connections shall be made, they shall come under the provisions of this charter, as fully as though constituting part or parts of the original lines of wire ; and to the end that they may the more effectually make such connections, the said Company shall have the right to contract for the right of way with the owners of the soil over or upon which said lines or connections may pass ; and to make all other necessary contracts for the purpose of effecting any such connections.

**Powers** SEC. 18. *Be it enacted,* That said corporation shall have the right to make all such contracts as are necessary to enable it to carry on its business of telegraphing. It may purchase, acquire and hold such estate, whether real or personal or mixed, as may be necessary in the transaction of the legitimate business of the Company. It may purchase, acquire and hold estate, whether real, personal or mixed ; and it is hereby put on a footing of the most favored corporations with regard to the general municipal regulations of the State, applicable to corporations.

**Term.** SEC. 19. *Be it enacted,* That said corporation shall exist as a body politic and corporate during the continuance of its lease—that is to say, until the first day of July, 1869 ; and if, at any time, the Lessees or their successors, shall extinguish the right of property of their Lessors in the leasehold estate, then it shall exist ninety-nine years, unless it shall be dissolved in some of the modes appointed by law.

SEC. 20. *Be it enacted,* That said Company of Lessees may organize their association on such principles, and conduct it in such manner as they may deem most conducive to the well-being of the association : *Provided,* that in any such organization, or mode of conducting the business of the organization, they shall violate no existing law of this Commonwealth, but shall in all things act in conformity to the same.

**Sec. 21.** *Be it enacted,* That the said Company may adopt all such by-laws and rules and regulations for its own government, as in its own judgment it may see proper to do: *Provided,* that in so doing, it conform itself to the laws of this State and of the United States. By-laws.

**Sec. 22.** *Be it further enacted,* That W. W. Carter, Samuel T. Motley, C. W. Jackson, Z. Toliver, A. R. Davis, E. B. Drake, Thomas Bonner, Josiah McClain, A. W. Vick, L. Drifous, Joseph M. Anderson, Thomas Norman, and their associates and successors, be, and they are hereby, constituted a body corporate and politic, to be known by the name and title of the "Lebanon Building and Loan Association," and entitled to all the the right and privileges granted to the Nashville Building and Loan Association. Lebanon B. and L. Association.

**Sec. 23.** *Be it further enacted,* That Robert B. Hurt, Richard R. Dashiell, Alexander Jackson, John M. Morrill, and John L. H. Tomlin, their associates and successors, be, and they are hereby, created a body corporate and politic, by the name and style of the "Jackson Savings Institution," with the same privileges, rights, powers, and exemptions, as are conferred on the Nashville Savings Institution, by an act to incorporate the Nashville Savings Institution, passed January 28, 1850; and further, that the word "Jackson" be substituted for the word "Nashville," wherever it occurs, when necessary to apply the foregoing act to the Jackson Savings Institution hereby incorporated. Jackson Savings Institution.

**Sec. 24.** *Be it further enacted,* That a company to be entitled the "Memphis Dramatic Association," shall be, and is hereby, established, with a capital of twenty thousand dollars, which may be increased to fifty thousand dollars; that the stock of said Company shall be divided into shares of twenty-five dollars each, to be subscribed with the Commissioner hereinafter named, and paid in as the directors to be elected may demand. Memphis Dramatic Association.

**Sec. 25.** *Be it enacted,* That the subscribers for said stock, their successors and assignees, are hereby created a body politic and corporate, by the name and style of the "Memphis Dramatic Association," and in and by said name, they shall have the power to contract and be contracted with, to sue and be sued, to have and use a common seal; to borrow money upon their bonds for such amounts, conditions, time, and rate of interest, as may be agreed upon between the parties; shall have authority to elect all necessary officers, and to pass and establish all by-laws, rules and regulations, for the successful management of the affairs of said Company.

**Sec. 26.** *Be it enacted,* That the object and business

Object.

of said Company shall be to carry on and conduct, in the city of Memphis, dramatic representations; and said Company are authorized to purchase and hold in their corporate name, a suitable lot in the city of Memphis, and such buildings as may be needed by said Company for the prosecution of its business.

Commissioner.

Directors.

SEC. 27. *Be it enacted*, That William C. Thompson is hereby appointed a Commissioner to open books for the subscription of the stock of said Company; and he may keep the same open until a sufficient sum be taken, when he shall call a meeting of the Stockholders for the purpose of electing a Board of three Directors, to whom shall be entrusted the management of the affairs of said Company. They shall elect a President of the Board of their number; and fill the vacancies in the same. The election of said Board to be holden annually as the stockholders may direct; and the old Board may hold over until a new one shall be elected.

Liability of Stockholders.

SEC. 28. *Be it enacted*, That each and every Stockholder shall be liable for the full amount of stock subscribed by him, and the payment in full of said subscription to the authorized agent of said Company, shall be a discharge from all further liabilities.

Transfer of stock

SEC. 29. *Be it enacted*, That the stock may be transferred by assignment, and the original subscriber and assignee shall be bound until the subscription be paid in full; and each Stockholder shall be entitled to one vote for each share of stock owned, which may be given at elections in person or by proxy.

SEC. 30. *Be it enacted*, That the Memphis Dramatic Association hereby incorporated, shall exist and have succession for the period of thirty years.

Home Insurance Company of Middle Tennessee.

SEC. 31. *Be it further enacted*, That there is hereby created a body politic and corporate, by the name and style of the "Home Insurance Company of Middle Tennessee;" and in that name may sue and be sued, plead and be impleaded; which shall have perpetual succession, with a capital stock of not less than one hundred thousand dollars, and which may be increased at the will of the Stockholders to an amount not exceeding three hundred thousand dollars.

Commissioners

SEC. 32. *Be it enacted*, That Andrew Ewing, Neill S. Brown, Samuel R. Anderson, John Porterfield, Cave Johnson, Robert Gibson, or any three of them, be, and they are hereby, authorized to open subscriptions in Nashville for the capital stock of said Company, on the fifteenth day of February, 1856, and so soon as fifty thousand dollars shall be subscribed, it shall be lawful for the Stockholders to meet as hereinafter directed, and

chose their Directors, who may at any time, upon due notice, cause further subscription to be had, until the whole amount shall be taken.

Sec. 33. *Be it enacted*, That so soon as the amount of stock mentioned in the second section of this act is subscribed; and after five days' notice in two of the newspaper published in Nashville, signed by any three members of the Company, the Stockholders shall meet at such time and place, as may be appointed within the city of Nashville, and elect by ballot the first Board of Directors, which shall consist of seven, and no more. A plurality of votes given shall elect; and the persons so elected shall, at their first meeting, elect one of themselves President of the Board, who, with the said Directors, shall serve for the space of one year from and after their election, and until their successors are elected.

Directors.

Sec. 34. *Be it enacted*, That the shares of said stock shall consist of fifty dollars each; and upon which, there shall be paid at the time of subscription, ten per cent. on the amount subscribed, and the remainder, at the time of the first election of Directors shall be secured by notes, satisfactorily secured on the face, in five equal instalments, at thirty, sixty, ninety, one hundred and twenty, and one hundred and sixty, days from date; and until said subscription is so secured, it shall not be lawful for said Company to issue any policy, or do any business. As to the remainder of the capital stock, the subscribers therefor, shall pay at the time of subscribing, ten per cent. on the amount subscribed, and the balance in like instalments from the time of subscription, as above-mentioned, and upon like conditions: *Provided*, that the stock so secured, shall be payable on ten days' notice in some newspaper in Nashville, as the President and Directors shall prescribe.

Stock.

Sec. 35. *Be it enacted*, That each Stockholder shall be entitled to one vote for every share of stock of which he may be the owner; but no Stockholder shall be entitled to more than twenty-five votes. The Directors elected shall be citizens of the United States, and of this State, and residents of the County of Davidson, and shall be the owners of not less than five shares of stock in said Company, and shall have full control of the the business of the Company. Four of said Directors, including the President, shall constitute a quorum for business: *Provided*, that the President, with the assent of one Director, shall have power to make any contract of Insurance. Said Board shall have power to invest any surplus money on hand at any time in bonds of the

Quorum.

State of Tennessee, or other securities; but to do so shall require the unanimous consent of all the Directors.

**Powers.** **Sec. 36.** *Be it enacted,* That said Company shall have power and authority to make insurances upon ships and other sea vessels, and upon steamboats, flatboats, and other river boats, upon freight, seamen, wages, goods, wares, and merchandise, and gold and silver bullion or money, against all maritime risks, or risks of the rivers, and upon houses, stores, and other buildings, and goods, wares, and merchandise, furniture, and other articles, against fire, and upon lives, bottomry and respondentia, and upon any other article of personal property, and to fix a premium thereon, and generally to do and perform all other things necessary and proper to promote these objects: *Provided, however,* that said Company shall not possess or exercise any banking privileges. It shall not be lawful for it to receive money on deposit, or to buy bills or notes except in the payment of its debts—it being the sole object of said Company to do a legitimate insurance business; and it shall have no power except what is incident thereto. It shall not be lawful for said Company to establish or maintain any agency at any point to carry on its business; but its business shall be done alone at its office in the city of Nashville.

**Powers.** **Sec. 37.** *Be it enacted,* That said Company is hereby authorized to and empowered to hold, possess, and acquire, and the same to sell and convey, all such real estate as shall be necessary and convenient for the transaction of its business; or which may be conveyed to said Company for the security or payment of any debt which may become due or owing; or in satisfaction of any judgment or decree rendered in favor of said Company; and may have and use a common seal, and the same alter or change at pleasure; and may make, ordain and establish such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said Company.

**Unpaid stock.** **Sec. 38.** *Be it enacted,* That the Directors, when elected, shall have power to appoint all such subordinate officers of the Company as they may deem proper, and fix their compensation, and also that of the President, and define the duties they shall perform; and also to fill all vacancies from time to time; and they shall have the power at any time when in their opinion the interests of the Company require it, to demand of any Stockholder additional security for such part of his stock as may remain unpaid, and if such Stockholder shall fail or refuse to give such additional or other security to the satisfaction of the Board of Directors, they may declare



such stock forfeited, and sell the same at public auction, upon ten days' notice, for cash, and the number of shares so sold, shall be transferred by the President of the Board to the highest bidder, who shall by virtue of such transfer, become a member of said Company; and for any deficit in the proceeds of sale to cover the unpaid stock, the original subscriber shall still be liable. The same proceedings shall be had when a Stockholder fails and refuses to pay any amount due by him.

SEC. 39. *Be it enacted*, That the stock of said Company shall be held and considered personal property; and with the consent of a majority of the Directors may be sold, transferred or assigned—but only upon the books of the Company; and that the individual property, both real and personal, of every Stockholder in said Company shall be held and bound for the payment of the debts of said corporation, to to the full amount of his or her stock in said corporation, but no further. Personal liability.

SEC. 40. *Be it enacted*, That it shall be the duty of said Board to make or cause to be made semi-annual statements of the situation of the capital, and of the state of the accounts of the Company, which shall be laid before the Stockholders, with the amount, number, and character, of the risks undetermined, and such dividends of the profits may be made as the President and Directors may think advisable; but they shall in no case diminish the capital stock. Semi-annual statements.

SEC. 41. *Be it enacted*, That whenever a majority of the said Company shall think proper, the capital stock thereof may be increased to three hundred thousand dollars, which shall be raised in such manner as may be prescribed by said Company, and paid and secured; and if additional members are admitted, they shall by virtue thereof become members of this corporation. Dividends.

SEC. 42. *Be it enacted*, That in consideration of the privileges conferred by this charter, the Company shall pay annually to the State, for the benefit of common schools, one-quarter of one per cent. of its capital stock paid in. Increase capital.

SEC. 43. *Be it enacted*, That this act shall take effect from and after its passage. State tax.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 23. 1856.



## CHAPTER 186.

AN ACT to charter the Knoxville Bridge Company; to amend the charter of the Broyles and Henshaw Bridge Company; to incorporate the Salem Academy; to amend the charter of the Harrison and Gardner Turnpike roads; to incorporate the Hartsville Female Institute; to amend the charter of the Memphis and Covington Turnpike and Plank-road Company; for the benefit of Stewart College; to amend the charter of the Lebanon and Trousdale Ferry Turnpike Company; to amend the charter of the McMinnville and Chattanooga Turnpike Company; to charter the Gainesboro and Defeated Creek Turnpike Company; to amend the charter of the Shelbyville, Farmington, and Lewisburg Turnpike Company; to amend the fourth section of an act passed the 16th day of November, 1855, to amend the charter of the Nashville and North-Western Railroad Company; and to amend an act entitled An act to incorporate the Montgomery Turnpike Company, passed January 25, 1848.

Knoxville  
Bridge Compa-  
ny.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby constituted by the name and style of the "Knoxville Bridge Company," for the purpose of constructing, maintaining, and using a bridge across the Holston River, from any point in Knoxville, in the County of Knox, between the mouths of the first and second creeks, to the opposite bank of the river; and by that name may sue and be sued, plead and be impleaded, and do all other acts and things which may be necessary to construct said bridge, and to manage, use, and keep up the same; and said Company shall have succession for ninety-nine years.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be one hundred thousand dollars, and may be increased, if necessary, to one hundred and fifty thousand dollars, to be made up of shares of twenty-five dollars each; and so soon as fifty thousand dollars of said stock are subscribed for, the stockholders may organize, by the election from among themselves of seven Directors, who shall select from their number, a President of the Company, and said President and Directors may appoint such other officers and agents as may be deemed necessary, and in such manner as they may deem best.

Directors.

Commissioners.

SEC. 3. *Be it enacted*, That Caleb Baker, Columbus W. Jones, James H. Rodgers, James M. Welcker, Geo. W. Churchwell, and James H. Gowan, all of the County of Knox, aforesaid, be, and they are hereby, constituted a Board of Commissioners, any three or more of whom may open books at such times and places as they may choose, to receive subscriptions for said capital stock, and may manage all the affairs of said Company until organized as aforesaid, and do and perform all such other acts as may be necessary to be done prior to the election of President and Directors; and at all meetings of the stockholders, where a vote is to be taken, each stockholder shall have a vote for each share of stock

subscribed for and owned by him, and may vote by proxy or in person under the rules of the Company.

SEC. 4. *Be it enacted*, That said Company, when organized as aforesaid, may buy or receive by gift or otherwise, any grounds or lands necessary for the construction of, and easy access to, said bridge, on either side of said river; and may proceed to construct said bridge, and also such roads and approaches to it as may be deemed requisite and necessary: *Provided*, that said bridge shall not be so constructed as to obstruct the navigation of said river.

May buy  
grounds.

SEC. 5. *Be it enacted*, That said Company may make its own by-laws, not inconsistent with the constitution and laws of this State, or of the United States.

SEC. 6. *Be it enacted*, That the stock of said Company shall be deemed personal property, and transferable on the books of the Company in such manner as may be directed by the by-laws; and if any person, corporation or body politic, subscribing for stock, fail to pay the same, in such calls as the President and Directors may order, the Company may sue for and recover the same of such delinquent stockholder in any court having jurisdiction over the matter, or the Company may declare the stock forfeited, and sell it, and if it fail to sell for enough to pay the balance due thereon, the Company may sue and recover the deficiency as aforesaid; and it shall not be lawful for any stockholder to transfer his stock until it is all paid in, unless by consent of the President and Directors.

Delinquent  
stock.

SEC. 7. *Be it enacted*, That the officers of said Company shall hold their offices for one year, and until their successors are appointed, unless otherwise directed by the by-laws.

SEC. 8. *Be it enacted*, That said Company shall begin the construction of said bridge within three years, and complete it within five years from and after the passage of this act, or this act is to be void and of no effect.

SEC. 9. *Be it enacted*, That when said bridge shall have been completed, and ready for travel and transportation along or across the same, the said Company may erect a gate or gates across said bridge and charge and receive tolls for crossing the same, in the manner and for the sums following, to wit: Man and horse, ten cents; for each additional or led horse, five cents; for each horse or mule in drove, three cents; for each head of cattle in drove, two and a half cents; for each head of sheep or hogs in drove, one cent; for a wagon and two horses, mules, or oxen, twenty cents; for a wagon

Rates of toll.

and three horses, mules, or oxen, thirty cents; for a wagon and four horses, mules, or oxen, forty cents; for a wagon and five horses, mules, or oxen, fifty cents; and for each additional horse, or other animal, five cents; for a cart and one horse, mule, or oxen, ten cents; for a cart and two horses, mules, or oxen, fifteen cents; for a cart and three horses, mules, or oxen, twenty cents; for a cart and four horses, mules, or oxen, thirty cents; and for each additional animal five cents; for a four wheel two horse pleasure carriage, twenty-five cents; and for a four wheel three horse pleasure carriage, thirty cents; and for a four wheel four horse pleasure carriage, seventy-five cents; for a four wheel two horse buggy, twenty cents; and for a four wheel one horse buggy or pleasure carriage, twenty cents; and for a two wheel one horse buggy or sulky, ten cents; for all other carriages and vehicles, ten cents for each animal drawing the same; for each footman, or passenger on foot, five cents.

County of  
Knox and City  
of Knoxville  
may take stock.

SEC. 10. *Be it enacted*, That the County Court of Knox County, and the corporate authorities of the city of Knoxville, may each, or either, become subscribers to the capital stock of said Company; and the said County Court and City Corporation, or either, shall have power and authority to sell and convert any stocks that they or either of them may have taken and subscribed, or may hereafter take and subscribe, in any railroad company, under the laws, now or heretofore existing in this State, into stock in said Knoxville Bridge Company; and the said County Court and City Corporation shall respectively be stockholders to the extent of the stock so taken and subscribed by them in the Company hereby incorporated, and be subject to all the liabilities and restrictions, and entitled to all the rights and privileges as other stockholders.

Broyles & Henshaw  
Bridge Company's  
charter amended.

SEC. 11. *Be it further enacted*, That the charter of the Broyles and Henshaw Bridge Company, passed the present session, be amended so as to exclude the stockholders from paying toll except otherwise ordered by a majority of said stockholders.

Salem Academy

SEC. 12. *Be it further enacted*, That Jo. P. Kelly, R. S. Thomas, Smith Bowlin, Iverson Knott, S. A. Mash, A. D. Fugitt, J. E. Bennett, C. F. Sutton, and Wm. J. Peacock, be and they are hereby constituted a body corporate and politic, by the name of the Trustees of Salem Academy, (located in Bedford County) and shall have perpetual succession and be capable in law or equity, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, or chattels,

which may be given, granted, or devised to them, or purchased by them for the use and benefit of said Academy, and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any of the Courts of law or equity in this State.

SEC. 13. *Be it enacted*, That the Trustees aforesaid and their successors, shall have power to hold such meetings at such times and places as they may think fit and proper, to elect one of their number President and a Secretary and Treasurer, of said board, and to fill vacancies when such may occur by death, resignation, removal, or otherwise; but not less than a majority of said Trustees shall constitute a board to do business. Officers.

SEC. 14. *Be it enacted*, That said board of Trustees shall have power to make such regulations relative to said Academy and the government thereof, and their own proceedings, as a majority may deem right and proper, *provided*, they be not inconsistent with the Constitution and laws of the State.

SEC. 15. *Be it enacted*, That the charter of the Harrison and Gardner Turnpike-road be amended so as to entitle them to the following rates of toll at each gate, to wit: five or six horse, mule or ox team, sixty cents, for each two horse, mule or ox team, forty cents, for horse and buggy, twenty-five cents, for man and horse or mule, ten cents, for loose horse or mule, five cents, for each head of cattle or hogs in a drove, one and a half cents. Toll on Harrison and Gardner Turnpike Co.

SEC. 16. *Be it enacted*, That James H. Lauderdale, E. T. Seay, S. W. Lesuer, R. M. Potts, J. G. Bledsoe, E. P. G. Gifford and Thomas Stalker, and their successors, be and they are hereby constituted a body corporate by the name and style of the Hartsville Female Institute. Hartsville Female Institute.

SEC. 17. *Be it enacted*, That the persons so incorporated and their successors shall have power to receive subscription to the stock of said corporation to the amount of fifty thousand dollars in shares of ten dollars each, and they shall also have power to hold real and personal estate by gift, deed or devise, and sell or exchange as shall be demanded by the interest of said institute; they shall also have power to sue and be sued, plead and be impleaded, either in courts of law or equity. They may use a common seal, and through the officers and professors of said Institute may confer such degrees as are usually granted and conferred in Female Institutes. Capital stock—privileges.

SEC. 18. *Be it enacted*, That said corporation may,

Increase stock.

when in their opinion the interest of the Institute may require it, have power to increase the capital stock to one hundred thousand dollars.

Exempt from taxation.

SEC. 19. *Be it enacted*, That such real and personal estate as may be owned and used by said corporation for Collegiate purposes, shall be exempt from State, County or Corporation taxation.

SEC. 20. *Be it enacted*, That in the management of said Institute, or the personal or real estate pertaining thereto, each stockholder shall be entitled to cast one vote for each share of stock that he may own, and the votes may be given either by person or proxy.

Transfer of stock.

SEC. 21. *Be it enacted*, That the shares of such stock taken in this corporation shall be transferable under such rules and restrictions as shall be prescribed by the stockholders

Trustees.

SEC. 22. *Be it enacted*, That the board of Trustees of said Institute shall be seven in number, and be elected annually by the stockholders on the first Saturday in December, and hold their offices until their successors shall be qualified, and the present board herein named, shall hold their offices until the first election, which shall be on the first Saturday in December, 1857, and that not less than five members of such board shall constitute a quorum to transact business, and in the event of non-attendance, from time to time, of any member of said board, then said board shall elect one in his place to fill the unexpired term of said member.

Memphis and Covington Turnpike and Plank-road Company amended.

SEC. 23. *Be it further enacted*, That the charter of the Memphis and Covington Turnpike and Plank-road Company, passed February 13th, 1854, chapter 325, be so amended that said Company shall be allowed to erect a toll gate as near as one mile from the corporation limits of the city of Memphis, and a gate for every five miles thereafter.

Clarksville Academy may sell out.

SEC. 24. *Be it further enacted*, That the County Court of Montgomery County shall appoint five trustees for Clarksville Academy, who may convey and release the said grounds and buildings to said Stewart College; and the Grand Master of the Grand Lodge of Tennessee, if so directed by said Grand Lodge and the Trustees (or a majority of them) of the Montgomery Masonic College, may likewise convey and release said grounds and buildings to said Stewart College.

Male Academy.

SEC. 25. *Be it enacted*, That said Stewart College shall keep up and maintain a Male Academy in connection with said College and shall be entitled to receive the Academy fund of Montgomery County until the Legislature shall otherwise direct.

SEC. 26. *Be it further enacted*, That the charter of the Lebanon and Trousdale Ferry Turnpike Company, be so amended, that hereafter said Company shall be authorized to charge at their ferry on Caney Fork River, ferry rates, instead of the amounts which they are now allowed to charge passengers, wagons, carriages, horses, and stock of every kind.

Lebanon and  
Trousdale Fer-  
ry Turnpike Co.  
amended.

SEC. 27. *Be it further enacted*, That the charter of the McMinville and Chattanooga Turnpike Company, passed February 4th, 1848, be so amended that said Company shall not be subject to indictment nor found guilty in any manner whatever for not keeping said road in charter order, when said company can show an expenditure on said road equal to its clear receipts at the gates on said road, and that said company be authorized to put up two gates without increasing the toll.

McMinville  
and Chattano-  
ga Turnpike Co.

SEC. 28. *Be it further enacted*, That Thomas D. Cassety, Peter G. Cox, at Gainsboro, W. T. Brown, Thomas J. Gailbreath, A. W. Johnson, and H. H. McClendon at Flynn's Lick, P. H. Myers, Wm. Fox at Fort Blount, and Wm. Young, and A. Cornwell, be and they are hereby appointed commissioners to open books at the above named places, for the purpose of receiving subscription to the amount of thirty thousand dollars, if necessary, to complete said road, in shares of twenty dollars each, to be applied to making a Turnpike-road from Defeated Creek, near Wm. Young's, in Smith county, by the way of Flynn's Lick, to Gainsboro, in Jackson county.

Gainesboro &  
Defeated Creek  
Turnpike Com-  
pany.

SEC. 29. *Be it enacted*, That so soon as five thousand dollars are subscribed, a meeting of the subscribers shall be held at Flynn's Lick, of which meeting the managers of the subscription shall give twenty days' notice by advertisements at Gainsboro, Flynn's Lick and at William Young's, and the subscribers shall then, or at some subsequent meeting, to be by them appointed, elect a board of eleven directors, who shall be stockholders, and who shall elect such officers, agents and servants as their Company may think necessary.

Directors.

SEC. 30. *Be it further enacted*, That subscribers for stock, when thus organized, shall constitute a body corporate by the name and style of the Gainsboro and Defeated Creek Turnpike Company, and by that name may sue and be sued, contract and be contracted with, and make all necessary rules and regulations not inconsistent with the laws or Constitution of this State, for the successful operation of said Company.

Powers.

SEC. 31. *Be it enacted*, That said road shall be constructed on the nearest and best route from Gainsboro by Flynn's Lick to Defeated Creek, said road shall be





sections of the act which this is intended to amend; which may come in conflict with the provisions of this act, are hereby repealed.

SEC. 37. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 38. *Be it further enacted*, That Peter A. Wilkinson, John C. Marshall, Samuel E. Hare, J. B. Short, H. S. Young, John R. Brooks, Anderson Bratten, Sam'l Sullivan, William Robinson, W. R. Carr, W. B. Moren, Joel Chitwood, and Ephraim Parsley, be, and they are hereby, appointed Commissioners to open books for the purpose of receiving subscriptions to the amount of seven thousand dollars, in shares of twenty-five dollars each, to be paid in money or labor on the road, to be applied to making a turnpike-road from the gap of the ridge at Daniel O. Parsley's, by the way of Lafayette, in Macon County, to the Jackson County line, beyond the Red Sulphur Springs, on the Gainesboro road; said road shall consist of two sections, each section beginning at Lafayette, and running both ways to the termini as above described; and shall be located on the route thought the best and most practicable by a majority of the Commissioners of the road.

Lafayette and  
Red Sulphur  
Springs Turn-  
pike.

SEC. 39. *Be it further enacted*, That all or any three of said Commissioners are hereby authorized to open books for subscriptions of stock in said road; and as soon as seven thousand dollars of stock have been subscribed, a meeting of the subscribers shall be held at Lafayette—of which meeting, the managers of the subscription shall give twenty days' notice by advertisement at the gap of the ridge, Lafayette, and Red Sulphur Springs; and the said subscribers shall, there or at some subsequent meeting to be by them appointed, elect a Board of seven Directors, who shall be Stockholders, and who shall elect such officers, agents, and servants, of the Company as they think necessary.

Meeting of  
Stockholders.

Directors.

SEC. 40. *Be it further enacted*, That when said subscribers for stock are thus organized, they shall constitute a body corporate by the name of the "Lafayette and Red Sulphur Springs Turnpike Company;" and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and make all necessary rules and regulations, not inconsistent with the laws and Constitution of this State, for the successful operation of said Company.

SEC. 41. *Be it further enacted*, That said Company shall make said road twenty-four feet wide, with a grade twenty feet wide, and McAdamized or gravelled sixteen feet wide—which McAdamizing or gravelling shall be

Grading of road.

Powers and  
privileges.

done as other Tennessee roads: *Provided*, said Company shall have the privilege of charcoaling said road on any part or parts of the same they may think proper. In this event they must endeavor to make it solid and durable. Said road shall be built with an elevation of not less than five degrees, except at the several hills and steep places to be passed over on said road—at which points, it shall be built with that elevation they may deem most practicable. Said Company shall have all the rights, powers, and privileges, of the Carthage, Alexandria and Red Sulphur Springs Turnpike Company, chartered in 1854, and be governed by the same rules, regulations, restrictions, and liabilities, except as may be in this act otherwise provided: and said Company shall continue and have succession for ninety-nine years.

Toll gates—  
Rates.

SEC. 42. *Be it further enacted*, That so soon as five miles shall have been completed on either section of said road, a toll-gate shall be erected thereon, and toll demanded. Toll-gates may be erected on any point or points on said road the Directors may deem proper: *Provided*, they shall not be placed nearer than four miles of each other; nor shall the number of gates be greater than one for each five miles; *and, provided, further*, that no gate shall be placed nearer than one mile of Lafayette; and said Company shall be entitled to the same rates of toll as other turnpike companies in this State.

Creeks not to be  
bridged.

SEC. 43. *Be it further enacted*, That said Company shall not be required to build a bridge across any of the creeks that said road may pass over; but the banks of said creeks shall be well graded and mettled so as to be made smooth and solid.

SEC. 44. *Be it further enacted*, That said Company shall have six years from and after the passage of this act in which to complete said road.

M. and O. R. R.  
[State aid.]

SEC. 45. *Be it further enacted*, That whenever the Memphis and Ohio Railroad Company shall have graded and prepared their road-bed ready for laying down the iron rails from the Tennessee River to Paris, they shall be entitled to the same privileges, rights and advantages, to which they became entitled upon having a section of thirty miles ready for the iron rails, upon the lower end of the line; and for every additional ten miles that said Company may prepare ready for the iron, like rights and privileges may accrue to the Company: *Provided*, that said Memphis and Ohio Railroad is located by the town of Trenton, in Gibson County.

SEC. 46. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

SEC. 47. *Be it further enacted*, That William Spencer, John Mallery, Samuel Campbell, Henry Hall, Henry D. Jamison, Madison Alexander, Robert B. McClain, and Dr. John Webb, be, and they are hereby, appointed Commissioners to open books for the subscription of stock, either in money or labor, to an amount not exceeding thirty thousand dollars, in shares of twenty five dollars each, to be applied to the building of a turnpike road from Middleton to Murfreesboro, or to a point at or near the west fork of Stone's River where the Murfreesboro and Salem Turnpike-road crosses said river, so as to intersect with said road: *Provided*, both of said Turnpike Companies shall agree to the same.

Murfreesboro  
and Middleton  
Turnpike Co.

SEC. 48. *Be it enacted*, That so soon as a sufficient amount of stock is subscribed to build five miles of said road, a meeting of the Stockholders shall called to be holden at Murfreesboro—of which, twenty days' notice shall be given in some newspaper published in Murfreesboro; at which meeting, or at such subsequent meeting as they may appoint, they shall elect five Directors, who shall be Stockholders; and said Directors shall elect one of their number President, and such other officers as the Board of Directors shall deem necessary; and said Company, when thus organized, shall be constituted a body corporate by the name of the "Murfreesboro and Middleton Turnpike Company;" and by that name may sue and be sued, contract and be contracted with, and make all rules and regulations which may be deemed necessary, not inconsistent with the laws and Constitution of this State.

Directors and  
officers.

SEC. 49. *Be it enacted*, That said Turnpike Company shall have all the powers and privileges, and be subject to the limitations and restrictions, except as herein prescribed, which are prescribed for the Murfreesboro and Woodbury Turnpike Company, by the act chartering the same, and acts amendatory thereto.

Powers and re-  
strictions.

SEC. 50. *Be it enacted*, That when said Murfreesboro and Middleton Turnpike-road is completed, the Company shall be authorized to erect one toll-gate for every five miles; or whenever five consecutive miles shall be completed, commencing at either terminus of said road, said Company shall be authorized to erect a toll-gate thereon, and in either case, they shall have the right to charge and receive tolls, and recover the same, which are prescribed in the said Murfreesboro and Woodbury Turnpike Company.

Toll-gate.

SEC. 51. *Be it enacted*, That when said Murfreesboro

and Middleton Turnpike Company shall have organized as herein provided, they shall proceed to lay off and locate said road over the best and most practicable route; and they shall have the time of five years within which to complete said road.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 23, 1856.

## CHAPTER 187.

AN ACT to incorporate the East Tennessee Farming, Grape-growing, Stock-raising, and Manufacturing Company, and the Nashville Rowena Coal Company

E. T. Farming,  
Stock-growing,  
and Manufactu-  
ring Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas W. Frazier, Thos. Foster, Stephen Hicks, William Foster, R. W. Acuff, S. J. A. Burg, S. M. McReynolds, C. D. McReynolds, P. M. Bridgman, Samuel W. Roberson, and such others as may be associated with them, shall be, and they are hereby constituted a body corporate and politic, for the purpose of growing grapes, and manufacturing pure wine, farming, stock-raising, and raising sheep, and manufacturing woollen goods, and timber into lumber. This Company will be known by the name and style of the "East Tennessee Farming, Grape-growing, Stock-raising, and Manufacturing Company;" and by that name may have succession for forty years; may sue and be sued; may contract and be contracted with; may have a common seal; may purchase and hold such real and personal estate as may be necessary for carrying on the business of the corporation; and may make all needful by-laws for their government, not inconsistent with the laws of this State, or the United States.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall consist of six hundred shares of twenty-

holders shall be entitled to one vote for every share held by them respectively, and may vote in person or by proxy. Five of said Directors shall constitute a quorum to transact business, and they may choose a President, and such other officers, agents, and managers, as may be necessary for transacting the affairs of said corporation, and fix their compensation, and do in behalf of the Company all other acts as are incident to such bodies—the said Directors causing to be regularly kept minutes of their proceedings, which shall at all times be open to the inspection of the Stockholders. A failure to elect Directors on the day designated, shall not work a dissolution of the corporation, but such elections may be held at any subsequent time, to be fixed by the Board of Directors; they may declare dividends annually, at which time the President and Directors shall make out and submit to the Stockholders a full and fair report of the transactions of the Company.

Sec. 4. *Be it enacted*, That if any subscriber for stock shall fail to pay the amount subscribed in such manner as may be prescribed by the Directors, the same may be recovered by action of debt in any court of record, or such stock shall be sold upon such terms as the Board of Directors may prescribe.

Forfeited stock.

Sec. 5. *Be it enacted*, That the aforesaid persons or any one of them, may at any time or place that they may deem proper, open books for the subscription of stock.

Open books.

Sec. 6. *Be it further enacted*, That A. R. McKee, A. J. McWhorter, J. D. Winston, Irby Morgan, O. F. Hurt, and Ed. Burke Pickett, are hereby appointed Commissioners to open books for the subscription of stock in a company to be known and designated as the "Nashville and Rowena Coal Company," the object of which is to mine, and transport on the Cumberland River to Nashville and other points, coal and lumber.

Nashville and Rowena Coal Company.

The said Company is hereby declared a body politic and corporate, and they may have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with, may have and use a common seal, may purchase, hold, and convey any real or personal estate necessary for the purposes of carrying on the coaling business—such as horses, wagons, and equipages, lots, wharves, and parcels of land, &c., &c.; and may make such rules and regulations for the government of their own affairs as they may think proper, not inconsistent with the laws of this State or of the United States.

Capital stock.

SEC. 7. *Be it enacted*, That the capital stock of said Company shall consist of one thousand shares of one hundred dollars each, which may be increased or raised by the Company to five thousand shares; and it is further provided that the Company may receive land or coal mines to constitute a part of the capital of said Company, upon such terms as may be agreed upon by the owner of such coal land and the Company. The shares of the same shall be deemed personal property, and may be transferred on the books of the Company.

May build road,  
&c.

SEC. 8. *Be it enacted*, That the Company may erect saw-mills and grist-mills, wharves, landings, boats and water crafts, turnpikes, railroads, to and about the mines, and about the coal depots in the city of Nashville, or elsewhere it may be desirable, to connect their mines with the river: *Provided*, that the right of way shall in the first instance have been obtained by the owners of such property whereon such road may be built.

Officers.

SEC. 9. *Be it enacted*, That the affairs of said Company shall be conducted by a President, Secretary, and Treasurer, and five Directors, annually elected by the Stockholders, and such other subordinate officers and employees as the Board of Directors may elect or appoint. Each Shareholder shall be entitled to one vote, and every Stockholder shall be entitled to as many votes as he own shares. Dividends shall be declared annually upon the Secretary's books, which shall be open for the inspection of the Stockholders. The Directors shall have power to declare stock forfeited, or may sue for and recover calls due upon stock as any other debts, before the tribunals having jurisdiction in similar cases.

Powers.

SEC. 10. *Be it enacted*, That all laws heretofore passed for the benefit of joint-stock companies, not inconsistent with the general provisions of this act, shall apply with equal force to the Nashville and Rowena Coal Company, and it shall be entitled to the benefits of the same.

**Sec. II.** *Be it enacted, That this act shall take effect from and after its passage.*

**NEILL S. BROWN,**  
*Speaker of the House of Representatives.*  
**EDWARD S. CHEATHAM,**  
*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 188.

**AN ACT for the Benefit of Turnpike roads.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That the President and Directors of the Nolensville Turnpike Company be, and they are hereby, authorized and empowered to cede, transfer, and convey to the corporation of the city of Nashville, so much of said road as lies within the corporate limits of said city of Nashville, upon such terms and conditions as may be mutually agreed to, by the President and Directors of said Turnpike Company, and the Mayor and Aldermen of said city of Nashville.*

Nolensville T.  
P. Co. may cede  
to Nashville.

**Sec. 2.** *Be it further enacted, That, hereafter, all turnpike companies, in this State, shall have, in addition to the privileges now granted, the right to purchase and hold small portions of land adjacent to the line of their respective roads, for the purpose of procuring rock, gravel, and timber, for the necessary repairs of said roads.*

Turnpike-road  
may purchase  
land.

**NEILL S. BROWN,**  
*Speaker of the House of Representatives.*  
**EDWARD S. CHEATHAM,**  
*Speaker of the Senate.*

Passed February 25, 1856.



## CHAPTER. 189.

AN ACT to incorporate the Murfreesboro Building and Loan Association Company, and for other purposes.

Murfreesboro  
B. and L. Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an association which shall be a mutual benefit and stock company, having for its object to assist the members thereof to become their own landlords, or the owners of such real estate as they may need, instead of being the mere renters thereof, is hereby authorized, to be formed in the city of Murfreesboro, and for that purpose William Spence, H. L. Carney, E. L. Jordon, F. Henry, Green Clay, J. H. Eaton, N. A. Hall, W. F. Lytle, I. J. C. Haynes, E. A. Keeble, J. F. Fletcher, W. S. Perry, J. W. King, Wm. C. Fletcher, and such other persons as may be associated with them by becoming Shareholders of the capital stock of the Company hereby incorporated, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Murfreesboro Building and Loan Association, and may by that corporate name sue and be sued, plead and be impleaded, may make and use a common seal, and alter the same at their pleasure; and may use, exercise, and enjoy, all the rights, privileges, and immunities, which are incident to corporations.

Constitution, &c

SEC. 2. *Be it enacted,* That the members of the said corporation shall have full power and authority to form and adopt such constitution, by-laws, rules, and regulations, for the government of the corporation, and to choose and appoint such officers and agents for the transaction of the business of the corporation as to them may seem expedient; and such constitution, by-laws, rule, and regulations, shall have the force and effect of a legal enactment on the members of said corporation: *Provided,* that such constitution, by-laws, rules, and regulations, do not conflict with the laws of the land.

Capital.

SEC. 3. *Be it enacted,* That the capital stock of said corporation shall be divided into shares of one dollar per month, each, to be paid in monthly until the said corporation shall determine and close: and the capital stock of the said corporation shall be not less than two, nor more than five thousand shares, and subscriptions for stock shall be made in such mode as may be prescribed by said association.

SEC. 4. *Be it enacted,* That the funds of the said corporation may be loaned out to the Stockholders in such manner, on such terms and conditions, and under

such regulations, as the said corporation, by its constitution and by-laws may, prescribe; *provided*, the same be secured by real estate; and any funds of the said corporation which may remain after the Stockholders have borrowed all they desire, may be loaned out to others not Stockholders, they paying therefor interest at the rate of six per centum per annum; *provided*, the same be secured by real estate.

Loan of funds.

SEC. 5. *Be it enacted*, That the said corporation shall have power to take and hold all such real estate as may be mortgaged or conveyed in trust to secure the said corporation in the loan of any of its funds; and the said corporation shall have power to purchase any such real estate as aforesaid, at any sale thereof, made under any mortgage or conveyance in trust of any such real estate; to secure the said corporation in any such loan as aforesaid, and the same to hold and sell or otherwise dispose of, as to the said corporation may seem expedient.

May hold real estate.

SEC. 6. *Be it enacted*, That when each Stockholder, for each and every share of stock by him or her held, shall be entitled to receive the sum of two hundred dollars on distribution of the funds of the said association, then the said corporation shall wind up, terminate, and close.

When to close.

SEC. 7. *Be it enacted*, That T. McCulloch, E. M. Clark, D. W. Kennedy, John Ballard, Ed. Thomas, T. G. Hornburger, and C. Hiter and their associates and successors, are hereby created a body corporate and politic, under the name and style of the "Montgomery Building Association," with the same capital, rights, powers and liabilities conferred to the Murfreesboro Building and Loan Association, and such other privileges as are contained in all similar charters granted at this session of the Legislature.

Montgomery Building and Loan Association.

SEC. 8. *Be it further enacted*, That an act passed February 24, 1854, chapter 124, be so amended that the title of the company incorporated shall be changed from "The Memphis Typographical Association," to that of "The Memphis Bulletin Company," wherever it shall occur in said act, and that the 13th section of the aforesaid act also be amended so as to read; after the words "such buildings as may be needed by said Company," and all other property, real and personal, which may be acquired in the prosecution of its business.

Memphis Typographical Association amended.

SEC. 9. *Be it further enacted*, That William Watter-son, Willis Burgess, Levi Gochran, ——— Lawrence, and Isaac Shook, and their successors in office, be and the same are constituted a body politic and corporate,

Elk Presbytery of C. P. Church

by the name and style of the "Trustees of the Elk Presbytery of the Cumberland Presbyterian Church," with power to sue and be sued, to plead and be impleaded, answer and be answered, in all kinds of suits and actions generally, in any thing pertaining to the interest of said Elk Presbytery.

Powers,

SEC. 10. *Be it further enacted*, That the said Commissioners, as a corporate body, shall have power to receive by gift, donation, or purchase, any notes, funds, personal or real estate, or mixed property, to sell, exchange, mortgage, or otherwise dispose of the same, as in the judgment of the said Presbytery may best subserve the interest of the said Cumberland Presbyterian Church in the bounds of said Elk Presbytery.

Rules and Regulations.

SEC. 11. *Be it further enacted*, That said Presbytery shall have power to make such rules and regulations in regard to said Board of Commissioners as they may deem proper to determine and fill vacancies, and any rules or directions of said Presbytery shall be binding upon said Board: *Provided, further*, that said Board shall have power to choose their own officers, and that three of said Board of Trustees shall constitute a quorum to transact business.

SEC. 12. *Be it further enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25th, 1855.

## CHAPTER 190.

AN ACT to incorporate the Winchester Building and Loan Association, and for other purposes.

Winchester  
Building and  
Loan Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an association, which shall be a mutual benefit and stock company, having for its object, to assist the members thereof to become their own landlords, or the owners of such real estate as they may need, instead of being the mere renters thereof, is hereby

authorized to be formed in the town of Winchester, and for that purpose John Frizzell, John H. Layton, W. W. Brazelton, G. A. Shook, T. J. Jackson, Joseph M. Burrough, Ezra Crane, and such other persons as may be associated with them, by becoming shareholders of the capital stock of the company hereby incorporated, and their successors be, and they are hereby constituted, a body politic and corporate by the name and style of the "Winchester Building and Loan Association," and may by their corporate name sue and be sued, plead and be impleaded, may make and use a common seal and alter the same at their pleasure, and may use, exercise and enjoy all the rights, privileges and immunities which are incident to corporations.

SEC. 2. *Be it further enacted*, That the members of the said corporation shall have full power and authority to form and adopt such a constitution, by-laws, rules and regulations for the government of the corporation, and to choose and appoint such officers and agents for the transaction of the business of the corporation, as to them shall seem expedient; and such constitution, by-laws, rules and regulations shall have the force and effect of a legal enactment on the members of said corporation; *Provided*, that such constitution, by-laws, rules and regulations, do not conflict with the laws of the land. Constitution, &c

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of one dollar per month each, to be paid in monthly, until said corporation shall determine and close; and that the capital stock of the said corporation shall not be more than five thousand shares, and subscriptions for stock shall be made in such mode as may be prescribed by said association. Capital Stock.

SEC. 4. *Be it further enacted*, That the funds of the said corporation may be loaned out for the stockholders in such manner, on such terms and conditions, and under such regulations, as the said corporation, by its constitution and by-laws, may prescribe; *Provided*, the same be secured by real estate or otherwise, and any funds of the said corporation which may remain after the stockholders have borrowed all they desire, may be loaned out to others than stockholders, they paying therefor interest at such times as may be required by said corporation, at the rate of six per centum per annum; *Provided*, the same be secured by real estate or otherwise. May loan Funds

SEC. 5. *Be it further enacted*, That the said corpo-

May hold Real  
Estate.

ration shall have power to take and to hold all such real estate as may be mortgaged or conveyed in trust to secure the said corporation in the loan of any of its funds; and the said corporation shall have power to purchase any such real estate as aforesaid, at any sale thereof, made under any mortgage or conveyance, in trust of any such real estate to secure the said corporation in any such loan as aforesaid, and the same to hold and sell, or otherwise dispose of, as to the said corporation may seem expedient.

When to close.

SEC. 6. *Be it further enacted*, That when each stockholder for each and every share of stock by him or her held, shall be entitled to receive the sum of two hundred dollars, on distribution of the funds of said association, then the corporation shall wind up, terminate and close.

Chattanooga  
Building and  
Loan Associa-  
tion.

SEC. 7. *Be it further enacted*, That Benjamin Chandler, William D. Fulton, Joseph L. Gillespie, Samuel R. McCamy, Thomas Crutchfield, Henry W. Massengale, James M. Dobbs, Nathan Smith, and James C. Warner, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the "Chattanooga Building and Loan Association," with the same capital, rights, powers and liabilities conferred in the preceding sections of this act upon the "Winchester Building and Loan Association."

Harrison Build-  
ing and Loan  
Association.

SEC. 8. *Be it further enacted*, That David N. Bell, Newton N. Rawlings, William Arnett, Andrew G. W. Puckett, Thomas C. McCraig, Joshua W. Hunter, Wm. J. Standifer, Joseph B. Peters, and Hiram Douglas, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the "Harrison Building and Loan Association," with the same capital, rights powers and liabilities conferred in the preceding sections of this act upon the "Winchester Building and Loan Association."

Mechanics' Build-  
ing and Loan  
Association.

SEC. 9. *Be it further enacted*, That J. B. Everett, C. D. Elliott, J. M. Hawkins, Michael Vaughn, Charles M. Hays, John Sigler, T. A. McCall, Robert Lusk, Oliver Williamson and Samuel Williams, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the "Mechanics' Building and Loan Association of Nashville," with the same capital, rights, powers and liabilities conferred in the preceding sections of this act upon the "Winchester Building and Loan Association," and with the object of enabling the working men of Nashville and its vicinity to become their own landlords.



and through their own body select a president, when such president and board of directors shall take charge of the property and operations of the company subject to such rules and regulations as may be adopted by their by-laws; that said president and directors shall hold their office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the Constitution and laws of this State and the United States.

Stockholders.

SEC. 4. *Be it enacted*, That the president and directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence and the number of shares of stock held by each respectively, and the time they became respectively the owners of said shares, and the amount of stock actually paid, and which book shall be open during the usual business hours of each day at the place of business of the company, for the inspection of the stockholders and creditors of said company and their representatives.

Restrictions.

SEC. 5. *Be it enacted*, That the said corporation shall not contract debts until the sum of fifteen thousand dollars, or such a sum as said board of directors may deem expedient, of the capital stock is paid in; no part of which shall be withdrawn or in any way diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the capital stock of said company.

SEC. 6. *Be it enacted*, That nothing herein contained shall be so construed as to grant banking privileges to said company.

SEC. 7. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25th, 1856.





cated, set apart, and to be held by said corporation for the purposes aforesaid, and none other. All lots in said cemetery shall be forever free from attachment or sale under execution.

Officers—Pow-  
ers.

SEC. 4. *Be it enacted*, That the officers of said Company shall consist of not more than seven, nor less than five Directors, to be elected annually by the votes of the stockholders, and shall hold their office for one year and until their successors are duly elected. A majority of the Directors shall constitute a quorum, may fill all vacancies that may occur in such board; shall choose a President from their own body, and shall appoint a Secretary, Treasurer, Sexton, and any other agents they may deem it necessary to employ, and define their duties, liabilities and compensation; shall direct the manner of laying off, improving, and decorating the grounds; may erect buildings for the use of the Company; may prescribe rules for enclosing and adorning the cemetery lots, and the erection of monuments, tombs and vaults; may prohibit any division, improvement, or construction which, in their judgment, may be considered offensive, objectionable or improper, and may abate or remove the same.

Directors.

SEC. 5. *Be it enacted*, That the persons herein named shall constitute the first Board of Directors, and shall hold their office until their successors are elected; fix the time of meeting of the stockholders for the election of officers, the manner of voting, and number of votes to which each stockholder shall be entitled; and the report of the Sexton and Treasurer shall be made as often as the Board may require.

To prevent tres-  
pass.

SEC. 6. *Be it enacted*, That the Board of Directors are hereby authorized to recommend to the County Court of Davidson County a suitable person, who shall be appointed a Deputy Marshall by said Court, with full powers, with or without process, to make arrests for all offences provided for in this act, and may take any offender before any Judge or Justice of the Peace in the County, and may serve all processes issued against trespassers or offenders, at any place in the County of Davidson, and said Deputy Marshall shall hold his office until removed by the Board of Directors; when such removal shall be made, they shall furnish a certified copy of the removal to the County Court.

Attest of Deeds.

SEC. 7. *Be it enacted*, That all deeds for the conveyance of lots in said cemetery shall be signed by the President and attested by the Secretary, which shall be deemed a sufficient authentication of such deed. Said



other corporations; to adopt a constitution and by-laws for its regulation, and shall have succession of its members in such manner as may be prescribed by its constitution, with full power to appoint officers, and prescribe their duties, as the objects of the Presbytery may require.

Christian  
Church of Nash-  
ville.

Disputed pro-  
perty.

Contending  
parties incorpo-  
rated.

New Pulaski  
Cemetery.

SEC. 13. *Be it further enacted*, That the Christian Church in the city of Nashville, is hereby incorporated by the name and style of the Christian Church of Nashville, and the members of said church, professing the original faith of said church, shall have power to elect three trustees in whose name as trustees, they may sue and be sued, in any Courts of this State; and may hold real and personal property, on which to have their church houses, to enable them to worship God as other Christian denominations: *Provided*, that this act of incorporation shall not effect the difficulties in relation to the church property, now pending between the various parties in said church, nor give any one party privileges or powers not granted to the other party.

SEC. 14. *Be it further enacted*, That any other party that may be contending for property now in dispute in said church be, and they are hereby, incorporated, with all the powers and privileges given to the original faith members.

SEC. 15. *Be it further enacted*, That the Mayor and Aldermen of Pulaski shall have the power at any of their regular meeting, to elect as many as twelve persons, who shall be proprietors of lots in the new Pulaski Cemetery at the time of said election, who are hereby incorporated when so elected, as a corporation in law, under the name and style of the "Trustees of the New Pulaski Cemetery," and who shall have perpetual succession, and the right of filling any vacancies that may occur in their body, by electing new members, who shall be proprietors of lots in said cemetery, to fill their places, as such vacancies shall occur by death, resignation, removal or otherwise, and by that name shall be able and capable to have and use a common seal, to sue and be sued, plead and be impleaded, and to do all such other things as are incident to a corporation.

Powers.

SEC. 16. *Be it enacted*, That said corporation shall have power to lay out and ornament the grounds of said cemetery, and to dispose of and arrange burial lots, not already disposed of, and to appoint and elect suitable agents and officers out of their body, to make such rules and regulations, from time to time, for the government of lot-holders, and visitors as they may deem ne-

cessary; and shall be charged with the general care and management of the property and grounds of said cemetery, and make such by-laws, rules and regulations relative to the affairs and government of the corporation, as may be deemed expedient.

SEC. 17. *Be it enacted*, That said corporation shall and may take and hold real estate in trust, for the extension, improvement or embellishment of said cemetery, and sell and dispose of the same for said purpose, and such personal estate, and no more, as may be necessary for the purposes of this incorporation, and shall apply the proceeds arising from the same, as well as from the sale of the burial lots to individual proprietors, to the purposes aforesaid; and said lots shall be exempt from assessment or taxation, and not liable to be sold on execution, or to be applied to the payment of debts by assignment under insolvent laws.

May hold real estate.

Exempt from assessment and execution.

SEC. 18. *Be it enacted*, That the meetings of said corporation shall be held at such times and places as the by-laws shall direct, and that an annual report shall be made to said corporation of their doings, and of the management and condition of the corporation.

Requests, &c.

SEC. 19. *Be it enacted*, That no roads or tracts shall hereafter be opened through the lands of said cemetery, except by and with the consent of the corporation.

SEC. 20. *Be it enacted*, That the said corporation may take and hold any appropriations, grant, donation, or bequest of property, upon trust, to apply the same, or the income, or the increase, or proceeds of the same for the improvement or embellishment of said cemetery, or any lot or structure, or monument thereon, consistent with the design and purposes of this act, and according to the intention and terms of such appropriation, grant, donation or bequest; and the execution of said trusts may be compelled by a bill for that purpose in any court having equity jurisdiction against said corporation, by any person interested therein.

SEC. 21. *Be it further enacted*, That the Howard Female Institute, under the patronage of Howard Lodge, No. 13, I. O. O. F., situated in Gallatin, Sumner County, Tennessee, be, and the same is hereby, constituted a corporate institution, with power to sue and be sued, and to use a corporate seal.

Howard Female Institute.

SEC. 22. *Be it enacted*, That said institution shall be governed by Howard Lodge, No. 13, I. O. O. F., of Gallatin, Sumner County, Tennessee, which Lodge shall constitute the Board of Trustees of the Howard Female Institute; shall be the proprietors of all property be-

Trustees.

longing to, or that shall belong to, said institution ; and shall make and put into execution such laws for governing and conducting said institution, as shall to them appear necessary.

SEC. 23. *Be it enacted*, That no alterations or amendments shall be made in the laws of this institution, unless proposed in writing, read two successive meetings before the Lodge, and sustained by a vote of three-fourths of the members present.

SEC. 24. *Be it enacted*, That the Lodge shall elect a Board of Visitors, of their own body, in whom the executive government of the institution shall be vested. This Board of Visitors shall consist of six, and shall continue in office one year from the day of their election, when they shall be re-elected by the Lodge, or others in their place. The President of the school shall be President of the Board of Visitors, three of whom shall constitute a quorum to transact business.

Board of Visitors.

Diplomas.

SEC. 25. *Be it enacted*, That the Board of Visitors shall have full power to confer degrees and grant diplomas usually granted and conferred by first rate female institutions, to such of its pupils as may be adjudged worthy, which shall be signed by the officers of the Lodge, the Board of Visitors, and the President of the institute ; and shall have such powers and perform such other duties as may from time to time be imposed by the Lodge. They shall have power to fix their own meetings, elect their own Secretary and Treasurer, attend the examination, and publish annually a report of the progress of the institution, give the name of the officers, and number of students, and any thing they may deem necessary to promote the cause of education.

An act for the relief of D. M. Sanderlin and Jeff. Merrick—amended.

SEC. 26. *Be it further enacted*, That an act passed March 3, 1854, entitled “An act for the relief of D. M. Sanderlin and Jefferson Merrick,” be so amended as to change in section first the word “male,” wherever it occurs in said section into “female.”

Independent Fire Company, No. 1, of Memphis—charter amended.

SEC. 27. *Be it further enacted*, That the charter granted to Independent Fire Company, No. 1, of the city of Memphis, passed January 2, 1848, be so amended that the said Company shall be allowed to consist of one hundred and seventy-five members, and also, to issue certificates to any of its members, who shall have served six consecutive years as an active fireman, and said certificate shall entitle such member to all the rights and privileges granted under said charter, without doing further active service.

SEC. 28. *Be it enacted*, That this, and all similar acts

of incorporation shall always be subject to legislative modification and control, and that this act take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 193.

**AN ACT** to amend the charter of the Columbia and Hampshire Turnpike Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Columbia and Hampshire Turnpike Company, and the road known as the Webster Turnpike, be, and the same are hereby, consolidated and made one Company, to be known as the Columbia and Hampshire Turnpike Company, and to have all the rights and privileges, and be subject to all the restrictions and limitations of the original charter for the Columbia and Hampshire Turnpike Company, not inconsistent with the provisions of this act.

Columbia and  
Hampshire and  
Webster Turn-  
pike Companies  
consolidated.

**SEC. 2.** *Be it further enacted,* That said Columbia and Hampshire Turnpike Company, shall have the further time of two years in which to complete their road, and shall be entitled to erect two permanent gates on thirteen and a half miles of their road already completed, and collect the tolls allowed by their original charter: *Provided however,* that said road shall or has been made in all respects to comply with the requisitions of the charter which this is intended to amend: *And provided further,* that no gate shall be established within one and a half miles of the corporate limits of the town of Columbia.

Further time  
and additional  
gate.

**SEC. 3.** *Be it further enacted,* That in the event the said Columbia and Hampshire Turnpike Company shall fail within the time as extended by this act to complete said road to the terminus fixed in their original charter, they shall forever forfeit the three and a half miles already built on the western terminus of said road, and

Forfeiture.



their charter shall only extend to a point ten miles from the town of Columbia.

Nashville and  
Cincinnati Rail-  
road Company  
amended.

SEC. 4. *Be it further enacted*, That the charter of the Nashville and Cincinnati Railroad Company be, and is hereby, so amended that Lebanon, in Wilson County, may be, should said company so decide it, made a point in said road; and that, in order to entitle it to the aid of the State, granted by a former act of the General Assembly, it shall be required to grade and furnish cross-ties for said road only to the said town of Lebanon.

Tenn., West-  
ern and Charles-  
ton Railroad Co.  
—further time.

SEC. 5. *Be it further enacted*, That the further time of two years be allowed the Tennessee, Western and Charleston Railroad to bring themselves under the provisions of the General Internal Improvement Law.

Town of Por-  
tersville.

SEC. 6. *Be it further enacted*, That the town of Portersville in the County of Tipton, and the inhabitants thereof, be, and they are, hereby, incorporated by the name and style of the Mayor and Aldermen of the town of Portersville, and by such name and style, shall have perpetual succession; may have and use a common seal; and may, by such name and style, sue and be sued, plead and be impleaded; may have, receive, purchase, and hold, property, whether personal, or real; and may grant, sell, and dispose of the same for the use of said corporation.

Organization.

SEC. 7. *Be it enacted*, That on the last Saturday in June, in each and every year, any Justice of the Peace for said County may open and hold an election in the town of Portersville, after giving ten days' notice by advertisement, of the time and place of holding said election, for seven Aldermen, who shall respectively hold their offices for twelve months, and until their successors shall be elected and qualified; and all persons owning a freehold, and all persons residing within the limits of said corporation, shall be entitled to vote in said election; provided they are otherwise entitled to vote for members of the General Assembly of this State. Said election shall be adjudged by three qualified voters of said corporation, to be appointed and qualified by the Justice of the Peace holding said election. The polls shall be opened at eleven o'clock, A. M., and closed at four P. M., on the same day.

SEC. 8. *Be it enacted*, That on failure of any Justice of the Peace of said County to hold an election at the time and in the manner specified in this act, it may and shall be lawful for said Justice of the Peace to hold said election at any time thereafter in the same manner as required by this act.

SEC. 9. *Be it enacted*, That no person shall be eligible

to the office of Alderman in said corporatoin, unless he shall at the time of his election reside within the limits of said corporation; and immediately after said election, the Justice of the Peace holding said election, shall make out and deliver severally to the seven persons having the highest number of votes, certificates of their election.

Eligibility of  
Aldermen.

SEC. 10. *Be it enacted*, That it shall be the duty of the persons so elected Aldermen, to meet within ten days succeeding their election, within said corporation, and upon the presentation of their certificates of election to some Justice of the Peace of said County, he shall administer to them the oath of office; and thereupon, said Board of Aldermen, a majority of whom shall be sufficient to constitute a quorum to transact business, shall organize themselves, and proceed to elect one of their own body as Mayor, for the current year, and shall hold his office for twelve months; when upon application to some Justice of the Peace for said County, it shall be his duty to administer to him the oath of office; which oath said Mayor shall take before entering upon the duties of his office. Said Board shall then proceed to elect a Recorder, who also may be Treasurer for said corporation, and a Town Constable, each of whom, before entering upon the duties of their office, shall enter into bond, payable to said Board of Mayor and Aldermen, with good and sufficient security, to be approved of by said Board, in an amount to be determined by said Board, conditioned that they will faithfully discharge the duties of their respective offices, during their continuance in the same; and that they will faithfully collect and pay over, as required by said Board, all taxes, fines, forfeitures, &c., which may be due and owing said corporation; it shall be the duty of any Justice of the Peace for said County, to administer to them respectively the oath of office. They shall each hold their offices for twelve months, and until their successors are elected and qualified.

Mayor, Recor-  
der, &c.

SEC. 11. *Be it enacted*, That all vacancies for Aldermen, or other officers of said corporation which shall be occasioned by death, resignation, removal, or other causes, shall be filled for the residue of the year, by the Mayor and Aldermen, or Aldermen in office; and the persons so appointed shall possess the same qualifications for office as required in the second and fourth sections of this act; and shall, in like manner, be qualified before entering on the duties of their offices.

SEC. 12. *Be it enacted*, That said corporation shall have full power and authority to make such by-laws and ordinances as may be necessary and proper, to pre-

Power.

**Powers.** serve the health, quiet, and good order of said town, to prevent or remove nuisances, to establish night watches or patrols, to punish breaches of such by-laws and ordinances, committed within the limits of said corporation, by a fine not exceeding fifty dollars; to ascertain and declare, when necessary, the boundary, streets and alleys of said town; to provide for the licensing and taxing shows and theatrical performances; to restrain and prohibit gaming; to prohibit the exhibition of stallions and jacks within the corporate limits of said town; to pass all by-laws necessary to put and keep all streets and walks in repair; to impose and collect fines and forfeitures, for breaches or violations of the by-laws and ordinances of said corporation; to lay and collect taxes on all property, and privileges within said corporation, which are, or may hereafter be, made taxable by the laws of this State; and to pass all by-laws and ordinances necessary and proper to enforce the powers granted by this act, which are not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

**Powers.** **SEC. 13.** *Be it enacted,* That the Mayor of said corporation, or any Justice of the Peace for said County, shall have full power and authority to issue any and all processes necessary and proper for the arrest of any person or persons, charged of violating any of the criminal by-laws of said corporation, which may be enacted by said Board of Mayor and Aldermen, under the power granted in the seventh section of this act to preserve the health, quiet, and good order of said town; and which, by said by-laws, may be made punishable by fine, upon the application of said town Constable, or upon the application of any other person, upon such other person making oath, that he believes or has just cause to believe, that such person or persons has been guilty of a violation of the by-laws of said corporation, so made as aforesaid; and stating specifically the offence with which such person or persons are charged, which process shall, in all cases, be directed to said Town Constable, and returnable before the Mayor of said corporation, at his office at any time, Sabbaths excepted.

**Powers.** **SEC. 14.** *Be it enacted,* That the Mayor of said corporation shall have full power and authority to try and punish all persons for offences against the by-laws of said corporation, and punishable by fine by said Board of Mayor and Aldermen, under the power granted in the seventh section of this act. And he shall have full power and authority in case any person or persons shall



said Mayor, until his fine and costs are paid, or secured to be paid, shall, after giving said Mayor two days' notice, and making an affidavit, which shall be filed in the office of said Mayor, setting forth a true schedule of all his or her property, and that he or she is unable to pay, or secure to be paid, said fine and costs, be discharged from jail.

Collection of  
taxes.

SEC. 17. *Be it enacted*, That when any tax or duty shall be levied or imposed by said Board of Mayor and Aldermen upon any real estate lying within the corporation limits of said town, and the owner or owners thereof shall not pay said tax or duty, but fail or refuse to pay the same within the year for which said tax or duty was levied, it shall be the duty of the Recorder of said corporation, upon the fact being reported to him, by said Town Constable that the owner or owners have no personal property upon which he can distrain for said taxes or duties, and that the same remains due and unpaid, to report said real estate to the Circuit Court of said County, at the first term of the year next succeeding, and it shall be duty of said Court, when such report shall be made, to enter up judgment against said real estate for the taxes or duties thereon remaining due and unpaid, and said real estate shall be sold by the Sheriff or Tax Collector for said County, at the time and place, and in the same manner and under the same conditions as if the taxes had been and were due the State and County, which sale shall vest the title in the purchaser, as in other tax sales, and said Sheriff or Tax Collector shall pay over to the Treasurer of said corporation any taxes so by him received for said corporation, and upon his failure to do so shall be liable, on motion, for the amount due as in other cases.

Recovery of  
fines.

SEC. 18. *Be it enacted*, That all fines and forfeitures imposed or accruing by or under the by-laws and ordinances of said corporation, not exceeding fifty dollars, may be recovered by action of debt before the Mayor of said corporation, or any Justice of the Peace of said County, and for sums exceeding fifty dollars, before the Circuit Court of said County.

Boundaries.

SEC. 19. *Be it enacted*, That John Thompson, W. E. Elmore, and A. L. McCain, be a committee to re-lay off and establish the bounds of said corporation; and that said corporation shall have no power to levy or collect a tax on any of the lands which may be added to said corporation, unless the same shall first have been laid off into town lots by the consent of the owner thereof.

SEC. 20. *Be it enacted*, That all laws and parts of

persons and corporate, and as such are authorized to

open out, establish, and keep in repair, a turnpike-road, to be known as the "Charity Turnpike Company;"—Beginning at a point on the Flat Creek Turnpike-road near Byars Logan's, on Mulberry Creek, and running up said creek, by Robert M. Whitman's, B. Leftwitch's, H. G. Gill's, and W. Bryant's, to a point on Norris Creek road, to Mrs. Antner's.

**Powers.** SEC. 3. *Be it further enacted*, That said Charity Turnpike Company hereby incorporated, shall have all the rights and privileges and powers, and be subject to the same restrictions of the Shelbyville and Flat Creek Turnpike Company.

**Rockport and Huntingdon T. P. Co.** SEC. 4. *Be it enacted by the General Assembly of the State of Tennessee*, That David Bell, John Harman, Thos. G. Owens, and John Harwood, of the County of Carroll, and Isaac Anderson, and Thomas Swindle, of the County of Benton, be, and they are hereby, appointed Commissioners to open books, at such times and places as they may choose, for the subscription of stock to be used for the building of a turnpike-road from Rockport, on the Tennessee River, by way of Buena Vista, in the County of Carroll, to Huntingdon; the capital stock of said Company not to exceed the sum of ten thousand dollars, to be divided into shares of twenty-five dollars each.

**Meeting of Stockholders.** SEC. 5. *Be it enacted*, That so soon as the sum of one thousand dollars of said stock is subscribed, any three or more of said Commissioners shall call a meeting of the Stockholders of said Company at such place as may be designated by said Commissioners, by giving ten days' notice of the time and place of said meeting; and the Stockholders in said road shall elect five Directors, one of whom shall be President, and shall hold their office for two years, and until their successors are elected.

SEC. 6. *Be it enacted*, That the President and Directors may, in such manner as they may think best, solicit and procure an amount of stock sufficient to construct said road, which shall be opened out twenty feet wide, and so graded as to raise it at the middle, with ditches on each side, to drain the water from the road, and to be covered with sand wherever it can be had.

**Location.** SEC. 7. *Be it enacted*, That the Stockholders, or such person or persons as they may appoint, shall lay out and locate said road, commencing at Rockport, and running the nearest and best way to Buena Vista, and from thence to Huntingdon; and the President and Directors shall have power to let out said road, in such





taken by said Company, that the road between said fences must be thirty feet wide, and in no wise obstruct the ditches to said road.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. GHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 195.

AN ACT to incorporate the McMinnville and Sparta Turnpike Company.

McMinnville  
and Sparta T. P.  
Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become Stockholders pursuant to this act, shall be, and they are hereby, constituted a body politic and corporate, by the name and style of the "McMinnville and Sparta Turnpike Company," and by that name, may sue and be sued, plead and be implead, and have and enjoy all the rights, privileges, and powers, appertaining to bodies politic and corporate by law, for the space of ninety-nine years, and shall have succession.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be thirty thousand dollars, with the privilege of increasing the same to an amount which said Company may deem sufficient to complete said road; capital stock to be divided into shares of ten dollars each.

Commissioners.

SEC. 3. *Be it enacted*, That the following persons shall be Commissioners to open books and receive subscriptions of stock, viz:—Thomas C. Smart, Samuel Colville, Smith J. Walding, Davis Louis, L. D. Mercer, E. Mercer, George Harrison, James L. McGee, Samuel McGee, James Colliear, James M. Smallman, William L. Lusk, John Gribble, sr., James Gribble, sr., G. W. York, Solomon Sparkman, G. Cummins, Alexander Miller, Cyrus Miller, Wilburn Thaxton, Wiley B. Miller, of the County of Warren, John Sparkman, William Simmons, Jackson McElroy, and John B. Rodgers, of the County of Van Buren, Daniel Clark, Joseph Snodgrass, E. L. Gardenhire, S. H. Combs, G. G. Dibrell, S. H. Carrick, J. W. Simpson, C. A. Taylor, G. D. Howard,

and Hardy Sparkman, of the County of White; and the said Commissioners appointed in the several Counties shall open books and receive subscriptions of stock at their respective County seats, after twenty days' notice shall be given of the time and place of opening said books. And so soon as it shall be ascertained that five thousand dollars have been subscribed, they shall call a meeting of all the Stockholders, by such public notice as they may deem necessary, which meeting shall be held at McMinnville, in Warren County; and at said meeting said Stockholders, shall elect seven Directors, one of whom shall be elected to one vote for each share of stock, and said Directors shall elect a President for one year, or until the next election, which shall be done at the time of the first election, and at which time and place by the President.

Organization.

shall have all the necessary in locating the road between the points hereinafter specified, letting out contracts for its construction, appointing necessary officers, receiving subscriptions, and disbursing the funds of said Company, together with the general superintendence of constructing the road, erecting gates for toll, and in otherwise governing and managing the affairs of the road, and determining, by their by-laws, the manner of ascertaining and settling all accounts against the Company, and also the evidence and manner of the transfer of stock in said Company.

SEC. 4. *Be it enacted*, That the President and Directors, or any five of them, shall be sufficient to transact the business confided to them; and all vacancies happening in the Board between the regular meetings of the Stockholders, shall be supplied by the Directors—two thirds being present.

Quorum.

SEC. 5. *Be it enacted*, That immediately after the election of the Directors, they or a majority of them, or such other person as they shall appoint, shall proceed to designate and mark out the route; commencing at the town of McMinnville, in Warren County, running thence the most practicable route to the top of the hill on the east side of Thomas Mayberry's, in the centre of the stage-road leading from McMinnville to Sparta; thence to William Martin's (now living upon said stage-road;) from thence to Cyrus Miller's at the forks of the road; from thence to Spencer Holder's, in White County; and from thence to Sparta, in said White County.

Location.

**Capacity of road** SEC. 6. *Be it enacted*, That the Company may grade the road sixteen feet wide without rock or gravel, or they may cover it with rock or gravel, or construct it with plank; and there shall be sufficient ditches and culverts on each side to convey off the water, and drain the same, and shall gradually descend from the centre to the ditches, except such part as may be covered with plank; shall have substantial and sufficient bridges where necessary, and in all respects shall be completed in a faithful manner.

**Rates of Toll.** SEC. 7. *Be it enacted*, That it shall be the duty of said Company, and they are hereby required, to build on said road, two good and substantial bridges—one across Collins' River, and the other across Caney Fork River—for which the Company shall be entitled to receive the following rates of toll:—For every loaded wagon with a team of five or six horses, mules, or oxen, fifty cents; every empty wagon, thirty cents; for every three or four horse, mule, or ox wagon, loaded, forty cents; empty, twenty-five cents; for each two horse, mule, or ox wagon, loaded, thirty-five cents; empty, twenty-five cents; for every two-horse pleasure carriage, thirty-five cents; for each one-horse pleasure carriage of every description, twenty-five cents; for each loose horse, mule, or oxen, in or out of a drove, five cents; for man and horse, ten cents; for each head of cattle in a drove, three cents; for each head of hogs in a drove, two cents; and for each head of sheep in a drove, one cent.

**Power.** SEC. 8. *And be it further enacted*, That said Company be, in all other respects, governed by the 7th, 8th, 9th, 10th, 11th, 12th, 13th, and 14th, sections of an act passed December 21, 1849, chapter 32, incorporating the Western Central Turnpike Company, in this State: *Provided*, that nothing in this act contained shall grant, or be construed to grant, State aid or credit to said Company, in any manner whatever.

**Ten years to build.** SEC. 9. *Be it enacted*, That if said Company shall not begin the said road within two years after the passage of this act, and complete the same within ten years thereafter, in the manner herein provided, this charter shall be forfeited.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 9, 1856.

## CHAPTER 198.

AN ACT to amend an act passed 2d day of March, 1854, entitled An act to secure the completion of Turnpike Roads in Smith, Wilson, and Sumner counties by State credit, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed March 2d, 1854, entitled "An Act to secure the completion of Turnpike Roads in Smith, Wilson and Sumner Counties, by State credit," be so amended as to require the Carthage and Hartsville Turnpike Company to pay the interest on the bonds therein mentioned, after they shall have been issued by the Governor, semi-annually, and to pay off said bonds by instalments of one-twelfth of their whole amount annually, or such other instalments as will liquidate said bonds in twelve years after their issuance by the Company.

Shall pay off bonds.

SEC. 2. *Be it further enacted*, That any person or persons who shall fill-up any culvert, ditch, branch, or other trench made for the purpose of conveying water by the side of, under, or away from said road, shall forfeit to said Company the sum of five dollars and costs of suit, which may be recovered by action of debt before any Justice of the Peace for Smith or Sumner County, and any person or persons who shall refuse to pay the lawful toll at any gate on said road, such person so refusing and passing said gate, shall forfeit to said Company the sum of five dollars and costs, to be recovered as above specified.

Ditches not to be filled.

SEC. 3. *Be it further enacted*, That if said Carthage and Hartsville Turnpike Company fail to have their road completed by the expiration of the time now granted them by the several acts on the subject; they shall continue a body corporate, with all the rights, privileges and immunities that they now have, and through their directory, or their successors in office, shall enforce the completion of contracts not completed, until said road is finished.

Further time.

SEC. 4. *Be it further enacted*, That James T. Scott, of the County of Fentress and State of Tennessee, be and he is hereby authorized to lay out and open a Turnpike Road from the Kentucky line, between Tennessee and Kentucky, near Bramlet's Cross Roads, running thence the nearest and best direct course to Wolf River, one mile below Samson Evans' Mill; thence up the valley of Dry Creek, crossing the Double-Top Mountain in or near the head of Dry Creek; thence the most direct and best way to make the road to Obed's River, at or near Alexander Wright's, in the Poplar Cove; thence up

Kentucky and Fentress Turnpike Company.

Capacity of  
road.

in the direction of the East Fork of Obed's River, at or near where John Cobb now lives; thence up the Mountain at what is now called the Tarr Gap; thence as near direct as possible to the Montgomery and Nashville Road, at or near Lee Taylor's old stand, where William C. Wood now lives, in Fentress County, a distance in all of about thirty miles. And said road to be twenty feet wide on all reasonably level ground, clear of all obstructions, and to be twelve feet wide and dug level on all mountain and hill sides, and made firm—and all creeks and branches to be cross-wayed when necessary. And when said road is completed, the said Scott, or his heirs and assigns, shall have the privilege of keeping up one gate and receive the same tolls that is allowed by an act of the General Assembly, passed the 16th of February, 1854, entitled "An act to incorporate the Wolf River and Kentucky Turnpike Company."

Commissioners

SEC. 5. *Be it further enacted*, That William L. Wright, Philip Kennatser and Matthew Wood, be and are hereby appointed Commissioners of said Turnpike Road hereby chartered, whose duties and privileges shall be the same as the Commissioners appointed in the third section of the above recited act.

Time to build

SEC. 6. *Be it enacted*, That the said James T. Scott shall have six years to complete said road, and shall be entitled to all the privileges and immunities, and be liable to all the responsibilities and duties embraced in said act to incorporate the Wolf River and Kentucky Turnpike Company, for the term of fifty years after said road is finished.

Citizens of  
Fentress free of  
toll.

SEC. 7. *Be it further enacted*, That the citizens of Fentress County shall be entitled to pass through said gate on horseback and otherwise, and with their stock of all descriptions, free from any toll whatever.

SEC. 8. *Be it further enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 15, 1856.

with deadly or dangerous weapons, of wicked and malicious assaults and batteries, and that the authorities of



said corporation shall have power to imprison in all cases where persons fail or refuse to pay fines assessed against them.

SEC. 6. *Be it enacted*, That the town Constable, or any officer acting under the authority of said corporation, shall have power to commit to prison for safe keeping until the following morning, such persons as may be arrested during the night time for a violation of the laws and ordinances of said corporation.

SEC. 7. *Be it enacted*, That the jailor of Roane County shall receive and safely keep such persons as may be committed by the authority of said corporation, and that he shall be allowed the same fees as in other cases, or said corporation may, if thought proper, construct a Lock-up for the purpose of confining those arrested or committed by said corporate authorities.

SEC. 8. *Be it further enacted*, That the act of 1837-8, incorporating the town of Kingston, in Roane County, be so amended as to give to said corporation of Kingston the same powers, rights and privileges as those exercised and enjoyed by the corporation of Huntingdon, in the County of Carroll, under the act of 1849-50, chapter 15, incorporating said town of Huntingdon; and to, this end that said corporation of Kingston be governed by the same regulations and restrictions in the election of officers, enactment and administration of laws and ordinances that pertain and relate to said corporation of Huntingdon, under the act aforesaid.

SEC. 9. *Be it further enacted*, That such parts of said act of 1837-8, incorporating said town of Kingston, (if any there be,) which are incompatible with said act of 1849-50, incorporating said town of Huntingdon, be and the same is hereby repealed.

SEC. 10. *Be it further enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.



of said river, in the County of Obion; and said road shall cross said river at or near where the road now crosses from Troy to Dresden; and said Guy and his associates, or their assigns, shall have the use of any timber or dirt to build said road that they may need, but shall be accountable to the owners for the same at a fair value; and in case said Guy and his associates, and the owners of said timber and dirt cannot agree, the County Court of Obion County shall appoint three Commissioners to value and award damages for the same.

Rates of toll.

SEC. 2. *Be it enacted*, That said Guy and his associates, or assigns, shall have the power to sue and be sued, plead and be impleaded, in all the Courts of law and equity in this State, as other Turnpike Companies; and they shall receive the following tolls, to wit: For a six horse wagon and team, seventy-five cents; for a four horse wagon and team, sixty cents; for a three horse wagon and team, fifty cents; for a two horse wagon and team, thirty cents; for a two horse pleasure carriage, fifty cents, for a one horse pleasure carriage, twenty-five cents; for cart and yoke of oxen, twenty-five cents; for a led horse or mule, five cents; for a horse, or mule, or cow beast, three cents; for a hog or sheep, one cent.

Character of road.

SEC. 3. *Be it enacted*, That all persons going to or from mill, or to or from muster or preaching, shall not be subject to pay toll on said road. The road shall be twelve feet wide and one foot above high-water mark, and there shall be a sufficient number of tunnels, so as to let wagons pass; and said road shall be finished and used as a first class road, and subject to all the rules and regulations of the other turnpike roads in this State.

SEC. 4. *Be it enacted*, That the County Court of Obion County shall appoint three Commissioners, who shall examine said road from time to time, and when they are of opinion that said road is out of the order a first class road should be kept in, they shall have the power to open the gate of said road and it shall stand open until the road is put in order; and said Guy and his associates shall be responsible for all damage that may occur from said road being out of order, and the Commissioners of said road shall be allowed the sum of two dollars per day for their services as Commissioners on said road, to be paid by the owners of said pike.

SEC. 5. *Be it enacted*, That said Guy and his associates shall have three years from the passage of this act to complete their road, and no person shall be allowed to erect a bridge within three miles of said bridge, so as to interfere with the vested rights of said

the passage of this act, and that said exemption shall

not interfere with or take away any of the chartered rights of said Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 15th, 1856.

## CHAPTER 200.

AN ACT to amend the act, amending the act incorporating the Cornersville and Lewisburg Turnpike Company; to incorporate the Paradise Hill and Clarksville Turnpike Company; to amend the charter of the Cumberland and Stone's River Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the first section of the act passed February 15, 1854, to amend the Cornersville and Lewisburg Turnpike Company, be so amended as to allow the Directors of said road to erect or put up toll gates at any point that they deem best on said road: *Provided,* that nothing in this act shall be so construed as to allow said Directors to erect more than one gate to any five miles of said road actually built, and, *provided further,* that nothing in this act shall be so construed as to allow said Directors to erect any gate nearer than one mile and a half of the town of Lewisburg.

Paradise Hill  
and Clarksville  
Turnpike Co.

SEC. 2. *Be it further enacted,* That J. C. Darden, A. Lowe, Wilkins T. Garrett, Edward Williams and B. F. Binkley, be and they are hereby appointed Commissioners to open books at any time and place they may choose, for the subscription of stock, to be used in the construction of a McAdamized, graveled or graded road, running from the top of Paradise Hill, the present terminus of the White's Creek Turnpike Road, and running from thence the most practicable route to Sycamore Creek, crossing the same at or near the mouth of Rose's Mill branch, thence, via A. Lowe's, to Clarksville, in the County of Montgomery.

Capital stock.

SEC. 3. *Be it enacted,* That the capital stock of said Company shall be sufficient to construct said road, divided into shares of twenty-five dollars each.

SEC. 4. *Be it enacted,* That so soon as five thousand dollars of the stock in said road shall be subscribed



Stockholders or undertakers and return the same to the President and Directors of said Company, who shall issue a certificate of stock to such Stockholder or undertaker for the amount of the valuation returned as aforesaid.

Cumberland  
and Stone's Ri-  
ver Turnpike  
Co. amended.

SEC. 12. *Be it further enacted*, That the charter of the Cumberland and Stone's River Turnpike Company be so amended, that hereafter there shall be seven Directors of said Company, four of whom shall be appointed by the Governor of the State, two in Wilson, and two in Rutherford County, and the other three of said Directors shall be appointed or chosen by the private Stockholders of said Company. Said Directors, when appointed, shall hold their office for two years and until their successors are appointed or chosen. They shall elect one of their number President of the Company and shall hold their meetings at such places as may be agreed upon by a majority of the Board.

Directors to  
pay Rutherford  
County \$500.

SEC. 13. *Be it enacted*, That the Board of Directors for said Cumberland and Stone's River Turnpike Company, shall be required to pay into the Treasury of Rutherford County the sum of five hundred dollars, with interest thereon from the time the toll gates upon said Turnpike road were erected in Rutherford County: *Provided*, the same shall not be paid until the amount heretofore appropriated by the State to complete said road shall be refunded to the State with interest, and that the same shall be paid out of the tolls received on said road.

SEC. 14. *Be it further enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 21, 1856.





the Shelbyville, Flat Creek, Mulberry and Fayetteville Turnpike Company; and may amalgamate with said Company, on such terms as may be agreed on; and may, under such agreement—both Companies consenting thereto—jointly build the road from Shelbyville to the point of its diverge; and, also, may agree on terms of keeping the same in repair, and how the tolls and profits of the road shall be proportioned—which agreement, if entered into, shall be entered of record in the books kept by each Company; either party failing to comply with said agreement, shall be liable to damage, which may be recovered by action at law against the party so offending, before any tribunal having jurisdiction of the same: *Provided, however,* that no amalgamation shall take place without the consent of a majority of the Stockholders in the Shelbyville, Flat Creek, Mulberry and Fayetteville Turnpike Company.

Shelbyville and  
Thompson  
Creek T. P.  
Company.

SEC. 7. *Be it further enacted,* That Dr. J. H. McGrew, Thomas W. Gordon, Thomas C. Ryal, Wilie F. Daniel, John W. Gardner, Robert H. Terry, Wilkins Blanton, their successors, and associates, are hereby incorporated a body politic and corporate, under the style of the "Shelbyville and Thompson's Creek Turnpike Company," for the purpose of building a turnpike-road from some point on the Shelbyville, Flat Creek, Mulberry and Fayetteville Turnpike-road, south of Duck River, not far from the Scull-camp Ford; running from thence to Wilkins Blanton's Store, on Thompson's Creek, as near as practicable with the dirt-road, passing Wilie F. Daniel's, and others.

Power — may  
amalgamate.

SEC. 8. *Be it enacted,* That the Shelbyville and Thompson's Creek Turnpike Company, shall have and enjoy all the rights, privileges, and emoluments, and be under all the liabilities and restriction that govern the Shelbyville, Flat Creek, Mulberry and Fayetteville Turnpike Company; and may amalgamate with the said Company, on such terms as may be agreed on; and may, under such agreement—both Companies consenting thereto—jointly build the road from Shelbyville to the point of its diverge; and, also, may agree on terms of keeping the same in repair, and how the tolls or profits of the road shall be proportioned—which agreement, if entered into, shall be entered of record in the books kept by each Company; either party failing to comply with said agreement, shall be liable to damage, which may be recovered by action at law against the party so offending, before any tribunal having jurisdiction of the same: *Provided, however,* that no amalgamation shall take place without the consent of a majority of the Stock-

holders in the Shelbyville, Flat Creek, Mulberry and Fayetteville Turnpike Company.

SEC. 9. *Be it further enacted*, That all persons who shall become Stockholders pursuant to this act shall be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Owensville, Elizabethton, Doe River Cove and Iron Mountain Turnpike Company;" and by that name may sue and be sued, plead and be impleaded, and have a common seal, and have and enjoy all the rights, privileges, and powers, appertaining to bodies politic and corporate, and shall have succession for ninety-nine years.

Owensville, Elizabethton, Doe River Cove and Iron Mountain T. P. Company.

SEC. 10. *Be it enacted*, That the capital stock of said Company shall be five thousand dollars; with the privilege of increasing the same to any amount necessary to build said road, and shall be divided into shares of twenty-five dollars each.

Capital Stock.

SEC. 11. *Be it further enacted*, That Green T. McGee, Abraham Jobe, James A. Burrow, Jacob Cameron, Isaac P. Tipton, George Mathorn, Henry Little, Henry C. Renfrow, Joel Cooper, Samuel McCorkle, John Montgomery, B. M. G. O'Brien, James G. Smith, Thomas Bagett, L. W. Hampton, E. Simerly, John W. Hyder, William Snyder, John Smithpeter, Jacob Simmerly, E. Grindstaff, John Garland, William Baker, Amos Dorice, and Charles Blevins, are hereby appointed Commissioners to open books, at any time and place they may think proper, for the purpose of receiving subscription to the stock of said Company; and as soon as twenty-five hundred dollars of stock are subscribed, the Commissioners shall call a meeting of the Stockholders at Elizabethton, for the purpose of organizing said Company; and the Stockholders shall proceed to elect from their own body seven Directors, who shall constitute a Board; and in voting, each Stockholder shall have one vote for each share; and the Directors, when elected, shall elect from their body a President, and such other officers as may be necessary, who shall hold their office for two years, and until their successors are elected and qualified.

Commissioners.

Director.

SEC. 12. *Be it further enacted*, That so soon as may be convenient after said Company is organized, the Directors, or some agent by them appointed, shall proceed to designate and make out the route of said road, which shall commence at the railroad at or near Owensville, and thence the most direct route to Elizabethton; thence to the Doe River Cove; thence the most practicable route to the State line on the top of the Iron Mountain, near the Lime-stone Cove.

Location.

**Sec. 13.** *Be it enacted,* That said road may be graded, McAdamized, graveled, or planked; from Owensville to Elizabethton, at the discretion of the President and Directors; but from Elizabethton to the top of the Iron Mountain, it shall be graded only; and when said road is finished, if the same be McAdamized, graveled, or planked, to Elizabethton, the Company shall be entitled to the same tolls as are granted to the Lebanon and Nashville Turnpike Company, for each five miles to Elizabethton.

Apply—tolls.

**Sec. 14.** *Be it enacted,* That should said Company only grade said road, they shall be allowed to erect two gates on said road; but should the Company McAdamize or plank or gravel the road to Elizabethton, they may erect one gate between Elizabethton and Owensville; and they may collect the same rate of tolls at each gate, if all the road is graded, as are granted in an act passed December 21, 1849, chapter 32, section 7; and said Company shall in all other respects be governed by the 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, sections of said act, so far as the same is applicable to this act.

Toll gates.

**Sec. 15.** *Be it further enacted,* That the charter granting a turnpike-road from Stephen Huff's to the Painted Rock, in Cocke County, be extended to Stephen Huff, John E. Patton, and William Holland, fifty years from the passage of this act; also, that the rate of toll on said road for a man and horse be reduced to ten cents, and that they be allowed four cents a head for cattle passing over said road.

Paint Rock T. P. Co. amended.

**Sec. 16.** *Be it further enacted,* That Thomas B. Huff & Co., be allowed to place their gate at any point they may see proper, on their turnpike-road, running westward from Stephen Huff's.

Huff may place gate.

**Sec. 17.** *Be it further enacted,* That Gregory Moore, Jordon Kilzer, Warner Lambeth, George W. Walker, and John P. Smart, be, and they are hereby, appointed Commissioners to open books for the purpose of receiving subscriptions in labor or money, to the amount of fifteen thousand dollars, in shares of twenty-five dollars each, to be applied in making a turnpike road from the Carthage, Alexandria and Red Sulphur Springs Turnpike-road, beginning at or near Thomas Kitchen's and running the most practicable route, to intersect the Lebanon and Trousdale's Ferry Turnpike, at or near what is known as the top of Rollin's hill.

Otinton College and Mulherrin T. P. Company.

**Sec. 18.** *Be it further enacted,* That so soon as three thousand dollars stock shall have been subscribed, a meeting of the subscribers shall be held at Gregory Moore's—of which meeting the managers of the sub-

Meeting of Stockholders.

thousand dollars stock shall have been taken, and the said Carthage and Rome road graded, as required in the

first section of an act passed 2d of March, 1854, said Company shall be subject to all the provisions, and entitled to all the benefits of said act of 2d March, 1854.

SEC. 26. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 202.

AN ACT to amend the twenty-second section of an act entitled "An act to incorporate the Mechanics' Library Association of Fayetteville;" and to reduce the several acts incorporating the town of Jackson into one, and to amend the same, passed March 2, 1854; for the benefit of the Cumberland and Stone's River Turnpike Company; to allow Manson M. Brien to erect and build a fish trap and dam in the Caney Fork River in DeKalb County; to authorize J. G. Whitney, of Anderson County, and others to open and establish a Turnpike-road, &c.

Memphis Theatre Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David Flish, James Wickersham, and W. A. Blythe, or a majority of them be, and are hereby, appointed Commissioners to open books for the subscription of stock to the Memphis Theatre Company, in accordance with the provisions of said act, incorporating said Company, in lieu of the Commissioners named and appointed in the twenty-second section of said act.

Number of Directors.

SEC. 2. *Be it enacted*, That the stockholders of said Company shall not be bound to the election of five Directors of the same, as is provided in the twenty-second section of said act; but they may elect any number of Directors that they may determine as being most convenient and expedient.

Cumberland and Stone's River T. P. Company--amended

SEC. 3. *Be it further enacted*, That the charter of the Cumberland and Stone's River Turnpike Company be, and is hereby, so amended that said Company may remove the toll-gate next to the town of Lebanon, on the south, from its present location, to any point on said road, south of said town of Lebanon, not under one mile from said town.

SEC. 4. *Be it further enacted*, That it may be lawful for Manson M. Brien to erect and build a fish trap and dam, in the Caney Fork River; in DeKalb County, near what is called the bull chute in said river; *provided*, the same do not obstruct the navigation of said river.

M. M. Brien's  
fish trap.

SEC. 5. *Be it further enacted*, That J. G. Whitson, of the County of Anderson, and Robert Morrow and Richard Wheeler, of the County of Campbell, be, and they are hereby, created a body corporate, and are authorized to open, establish, and keep in repair, a turnpike road, equal to a first class road, by the laws of this State, beginning at the Kentucky line in Campbell County, at or near the Clear Fork of Cumberland River, thence across the Cumberland Mountains to the waters of Big Creek, thence down the same so as to intersect the Powell's Valley road five miles above Jacksboro.

Kentucky and  
Powell's Valley  
Turnpike-road.

SEC. 6. *Be it enacted*, That said Company shall erect bridges and make causeways, where necessary, furnish foot-logs, &c., and make said road equal in all respects to a first class road where practicable.

Bridges, &c.

SEC. 7. *Be it enacted*, That Laban Sharp, Isaac Moyers, and William Walker, of the County of Campbell, are hereby appointed Commissioners, whose duty it shall be, when notified by said Company that the road is open, to examine and inspect said road; and, if they find the Company has substantially complied with the requirements of this act, then said Commissioners shall issue a license to the Company authorizing them to erect a toll-gate at any point said Company may select on said road. It shall be the duty of said Company to measure and mile-mark their road and receive the same tolls allowed by the act passed by the Legislature of Tennessee, on the 5th day of February, 1848, chapter CLXXXVI., granting a Turnpike charter to James Archer, and others.

Commissioners  
to inspect.

Tolls.

SEC. 8. *Be it enacted*, That it shall be the duty of said Commissioners to examine said road every six months, and if they shall find the road out of good traveling order, then it shall be their duty to open the gate and keep it open until the road shall be put in proper repair according to law.

To be kept in  
repair.

SEC. 9. *Be it enacted*, That the aforesaid Commissioners be required to take the oath and be allowed the same compensation prescribed and allowed by said act of the Legislature passed on the 5th day of February 1848.

Compensation.

SEC. 10. *Be it enacted*, That this charter continue for, and during the space of thirty years.

SEC. 11. *Be it further enacted*, That the citizens of



Campbell County shall pass through said gate when going to or returning from Church, Muster, Mill or Court, free of charge.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 203.

AN ACT to amend the charter of the Nashville and Middle Franklin Turnpike Company; and to incorporate the Cainsville and Pleasant Valley Turnpike Company, and for other purposes.

**Further time.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Nashville and Middle Franklin Turnpike Company. be so amended that the company shall have five years further time in which to complete said Turnpike road to the Williamson County line.

**State aid to the Mulberry Gap and Rogersville Turnpike Company repealed.** SEC. 2. *Be it further enacted,* That the Proviso to the 4th Section of an Act passed 2d of March, 1854, entitled, an Act appropriating four thousand dollars to aid in constructing the Mulberry Gap and Rogersville Turnpike, be, and the same is hereby repealed.

**Commissioners.** SEC. 3. *Be it further enacted,* That whenever any contractor upon said road leading from Mulberry Gap in the county of Hancock to Rogersville in the county of Hawkins, where the said road was located by the commissioners appointed under the act of 2d March 1854, shall have finished that portion of said road which he engaged to construct, according to the terms of said contract, it shall and may be lawful for said road commissioners, or a majority of them to certify to the Comptroller of the Treasury that said contract has been complied with by said contractors; and they shall state in their certificate the amount of money due said contractor, which shall be a sufficient voucher to the Comptroller, and on presentation of the same to the Comptroller he shall issue his warrant for the sum of money due said

within in said act, and said company shall have the  
time of four years from the passage of this act to open

and complete said road. The said Cainsville and Valley Turnpike Company shall have power to erect a toll-gate on said road so soon as five miles of the same are completed, commencing at either terminus thereof. .

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 204.

AN ACT to amend an act passed February 25, 1852, incorporating the Murfreesboro and Liberty Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed February 25th, 1852, incorporating the Murfreesboro and Liberty Turnpike Company, be amended so as to allow said Company the further time of four years to complete said road.

Additional  
Commissioners.

SEC. 2. *Be it enacted*, That Abraham Overall, Jarratt Cocke and Enoch H. Jones, of the County of Rutherford, John P. Hare, John W. Summers and R. H. Mason of the County of Cannon, Anthony Owen and James Hays of the County of Wilson, and Peter W. Clark and Moses Fite of the County of DeKalb, be added to the number of Commissioners appointed by said act; and said Commissioners shall open books for subscription at Liberty, in DeKalb County, and at James Hays' upper mill, and at such other places in addition to the points mentioned in said act as they may think prudent and necessary, and when a sufficient amount of stock is subscribed, to be paid either in money or work to build said road, they shall call a meeting of the Stockholders of said Company, at the town of Milton, in Rutherford County, by giving thirty days notice by advertisement at the places at which books for subscription were opened, and in some newspaper printed in Murfreesboro, and at such meeting the Stockholders shall elect seven Directors, one of whom shall be President, who shall hold their office for two years and until their successors are elected. And said President and Directors shall proceed, either by themselves or some competent person or persons ap-

Direct

pointed by them, to work, lay out and locate said road over the best and most practicable route, having in view the amount of subscriptions for stock in said Company. Location.

Sec. 3. *Be it further enacted*, That the Fayetteville, Boon's Hill, and Pulaski Turnpike Road be revived so far as the first section is concerned, under all the rules, regulations, restrictions and privileges of the former charter, except it is to terminate at Cain Creek, west of L. M. Dismukes' former residence, graded to five degrees, and gate located not nearer than one mile of the Court House in the town of Fayetteville, and M. L. Dismukes, Sharod McElroy, Wm. Temmens, Benjamin Whitaker, and others heretofore engaged in building the first section of said road be authorized to build the same. Fayetteville, Boon's Hill and Pulaski T. P. Road revived.

Sec. 4. *Be it further enacted*, That said Company are further authorized to extend one arm or branch of said road to Cane Creek, west of Benjamin Whitaker's, under the rules and regulations of the above, except they shall only be allowed half toll for any thing that should of right pass on this arm. May Branch.

Sec. 5. *Be it further enacted*, That said Company shall have the further time of three years to complete their work, and that all the amendments to the said road adopted heretofore, are hereby repeated. Further time.

Sec. 6. *Be it further enacted*, That James McNelly and Hugh Blair, of the County of Sevier, are hereby authorized to build a mill-dam across Pigeon River, near the residence of said Blair: *Provided* they keep up a good slope, and otherwise do not obstruct the navigation of said stream, as contemplated by former acts of the Legislature on the subject. Mill-dam at Pigeon River.

Sec. 7. *Be it further enacted*, That the County Court of Stewart County may order an election, at any time to ascertain the wishes of the people of said County relative to taking stock in the Louisville, Memphis and Ohio Railroad Company, and if a majority of the votes given at any such election shall be "for subscription," the chairman of the County Court of said County, shall subscribe the sum so voted to the capital stock of said Company, under such restrictions as to amount and time of payment as may seem best to said Court, to be appropriated in the County where levied. Stewart County may subscribe stock in the Louisville, Memphis and Ohio Railroad.

Sec. 8. *Be it enacted*, That L. H. Carney, Levi W. Reeves, E. A. Keeble, Wm. Spence, David Patton, Joseph Pinkerton, Dr. S. H. Woods and their associates and successors, are hereby declared to be a body politic and corporate, under the name and style of the Murfreesboro and Bradyville Turnpike Company, for the purpose of building a turnpike road from Murfreesboro Murfreesboro and Bradyville T. P. Company.

to Bradyville, and who shall have all the rights and privileges, and be subject to the same restrictions of an act chartering the Murfreesboro and Woodbury Turnpike Company and the acts amendatory thereto.

Haley Cove  
Company.

SEC. 9. *Be it enacted by the General Assembly of the State of Tennessee*, That H. P. Bostick, J. A. McMurry, J. C. Haley, J. B. Halbert, J. L. Bostick and Wm. H. Calhoun, and such person or persons as may be associated with them and their successors, be and are hereby constituted a body corporate and politic for the purpose of Mining Stone Coal and other minerals and for manufacturing the same and other articles, under the name and style of the Haley Cove Coal Company, and by that name may sue and be sued, may contract and be contracted with, may have a common seal, with the power to purchase and hold real and personal estate and sell or dispose of the same, with all the rights, powers and privileges necessary and proper for them as an incorporated Company to mine, manufacture and transport their coal and manufactures as they may think proper.

Capital stock  
—Powers.

SEC. 10. *Be it enacted*, That the capital stock of said Company shall consist of ten thousand shares of ten dollars each, and said Company shall be entitled to all the rights, powers and privileges, and be subject to the same regulations and restrictions as are contained in the fourth, fifth, sixth and seventh sections of an act passed February 10th, 1854, entitled "An act to incorporate the Home Manufacturing Company, and for other purposes," said sections being that portion of the act incorporating the Battle Creek and Tennessee River Mining, Manufacturing and Transportation Company, so far as the same may be applicable to said Company.

I. McBee may  
dam Holston  
River.

SEC. 11. *Be it enacted*, That Isaac M. McBee may have the privilege of building a dam across the north-west sluice of Holston River, at McBee's Island, in Jefferson county, and also a dam on the small sluice that runs between the Calf Island and the south-east bank of the said Holston River so as not to impede navigation or injure the public.

McMinnville  
may subscribe  
stock in the Mc-  
Minnville and  
Manchester R.  
R. Company.

SEC. 12. *Be it enacted*, That the Mayor and Aldermen of the town of McMinnville; in the County Warren, in this State, shall have the same power and in the same manner to subscribe for stock in the McMinnville and Manchester Railroad Company as the Mayor and Aldermen of the town of Franklin have to subscribe for stock in the Tennessee and Alabama Railroad Company, or in any Railroad Company running near said town.

SEC. 13. *Be it enacted by the General Assembly of the*

*State of Tennessee*, That for the purpose of making a communication by Railroad between the town of Covington, in Tipton County, and a point within five miles of Sharon depot, on the Memphis and Ohio Railroad, the formation of a Company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the "Covington and Sharon Railroad Company," and by said corporate name shall be capable in law to buy, receive any gift, hold, sell and convey real and personal estate, make contracts, sue and be sued, make by-laws, and do all lawful acts properly incident to a corporation and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at pleasure, and shall have perpetual succession of its members.

Covington and  
Sharon Railroad  
Company.

SEC. 14. *Be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, and if that amount is not sufficient to build the road, it may be increased by the Company to any amount deemed by them necessary to effect said object, to be divided into shares of twenty-five dollars each, and that John L. Morgan, Daniel R. Whitley, C. G. Fisher, Joseph A. Greene, P. P. Collier, R. W. Sanford, H. R. Bate, R. H. Munford, J. R. Bledsoe, E. Robt. Peete, R. B. Somerville, John Sharp, Charles H. Hill, J. R. McCall, W. M. Hall, Wm. Conard, T. M. Rivers, J. K. Pearce, David J. Wood, James H. Cotton, Alexander Smith, Ross McCain, C. Crenshaw, Stephen W. Malone and J. W. Williams are hereby appointed a Board of Commissioners, any seven or more of whom shall be competent to act, who may at such times and places and upon such terms as they may deem proper to dispose of, open books for the subscription of stock, and who shall, as far as concerns this road, have all the powers, privileges and immunities as are conferred upon the Board of Commissioners of the Memphis and Ohio Railroad Company, and whenever fifty thousand dollars is subscribed, the Company shall be considered as formed, having a corporate existence as aforesaid, and the Board of Commissioners may proceed to survey the route for said road and make an estimate of its construction; and when the sum of seventy-five thousand dollars shall have been subscribed, it shall be the duty of the Commissioners to declare the same and appoint a time, by notice given by publication (thirty days previous) in two newspapers in the city of Memphis, for the Stockholders to meet, in the town of Covington, for

Capital stock.

Commissioners.

President and  
Directors.

the purpose of electing a President and six Directors to manage the affairs of the Company; the President shall be elected as others, either in person or by proxy of the Stockholders, one vote for each share owned, and if upon a failure to make an election on the day appointed, the Stockholders shall appoint another day from time to time for that purpose, until an election is made in the aforesaid manner.

Sec. 15. *Be it enacted*, That said Company is hereby authorized and empowered to amalgamate its stock with or transfer it to the Memphis and Ohio Railroad Company, by the consent of a majority of all the Stockholders, which said amalgamation or transfer shall carry with it all the rights, privileges and immunities of said Company, and that all the rights, powers and privileges of the Memphis and Ohio Railroad Company, so far as they are applicable, are conferred upon this Company.

Sec. 16. *Be it further enacted*, That in the event of aquisition of the aforesaid project a Railroad from Covington, Memphis and Ohio Railroad for the above sections of this land, empowered to change or Turnpike road, to be made, and that the stock that may railroad shall be applied to the k of Turnpike road, that said id the change be made, shall the "Covington and Sharon Company," as the case may vers and privileges, conditions red upon them as a Railroad ed them as a Plank road or Turnpike Company, so far as the same are applicable.

Sec. 17. *Be it enacted*, That said Company shall have power to erect two toll-gates on said road: *Provided* said gates be five miles apart, and that the rates of toll shall be the same as are allowed to be charged by the Memphis and Somerville Plank Road Company, and that this act take effect and be in force from and after its passage.

Sec. 18. *Be it enacted*, That Dorson Skeigh, Henry Hoover, J. A. Baugh, B. G. White, A. H. White, Thomas Jamison, John Miller and their associates and successors, be and are hereby declared a body politic and corporate, by the name and style of the Hoover's Gap and Christiana Turnpike Company, for the purpose of building a road from Hoover's Gap to Christiana, and who

May amalgamate with the Memphis and Ohio Railroad.

Covington and Sharon Road (or Turnpike) Company.

Hoover's Gap and Christiana Turnpike Company.





said road, and each of said Commissioners shall be allowed two dollars per day for his services, whilst engaged in said duty, to be paid out of the funds of said Company.

Right of way.

SEC. 23. *Be it enacted*, That it shall be lawful for any person or persons, in the event said Company and the person or persons over whose lands said road may run, cannot agree on the amount of damages sustained, if any, to apply to the Circuit Court of the County in which the land lies, for a writ of *ad quod damnum*, to ascertain the damages which he or they may have sustained, which said writ shall be directed to the Sheriff, commanding him to summons a jury of twelve men, disinterested freeholders, to meet upon the premises, who being sworn for that purpose, shall view the land over which the road runs, and assess said damages; which inquest, so made and signed, shall be returned by the Sheriff to the next Circuit Court held in said County, which Court shall upon the return enter up judgment against said Company for the damages so assessed: *Provided*, that either party may have and demand a trial by jury, if dissatisfied with the assessment.

May hold land.

SEC. 24. *Be it enacted*, That it shall be lawful for said Company to purchase and hold any quantity of land, not exceeding five acres, adjacent to each toll-gate that shall be established, and to take conveyance thereof.

Directors report.

SEC. 25. *Be it enacted*, That the Directors shall render fair and full accounts of all their proceedings, and for all disbursements of moneys, at each annual meeting of the Stockholders, which shall be held at a time and place in the County of Shelby, appointed by the Board of Directors; and in counting votes for Directors each Stockholder shall be entitled to one vote for every share he owns.

Capacity of road

SEC. 26. *Be it enacted*, That the said road shall be opened and graded at least thirty feet wide, with sufficient ditches on each side at times to carry off the water, and to drain the same; shall gradually descend from the middle to the side ditches; shall be substantially constructed with wood, charcoal, stone, gravel, earth, or sand; shall have good and substantial bridges and aqueducts, where necessary; and in all respects, be completed in a faithful and substantial turnpike road like manner. When the road shall be completed seven miles from the corporation line of the city of Memphis, the President and Directors may apply to the County Court to appoint three competent persons, not Stockholders, to view and examine said road; and on the

report of said reviewers, or any two of them, that the road has been finished and completed for the distance aforesaid, according to the true intent of this act, the County Court shall issue a certificate authorizing the Company to erect two toll-gates, one at a distance not less than one, nor more than two miles from the city of Memphis, and the other at the distance of seven miles from the city of Memphis; and to appoint toll-gatherers to collect the allowed tolls, namely:—For every twenty head of sheep or hogs, five cents; for every twenty head of cattle, ten cents; for every three loose horses or mules, five cents; and so on in proportion for a larger number of said animals—a less number free; for every pleasure carriage, drawn by one horse or other animal, ten cents; for every pleasure carriage, drawn by two horses or other animals, twenty-five cents; for every pleasure carriage, drawn by four or more horses or other animals, thirty cents; for every loaded wagon, drawn by one or two horses or other animals, ten cents; for every loaded or empty dray or cart, ten cents; for every man and horse or mule, five cents; for every empty wagon, drawn by one or two horses or other animals, five cents; for every loaded wagon, drawn by three or four horses or other animals, twenty cents; for every loaded wagon, drawn by five or more horses or other animals, twenty-five cents; and for every empty wagon drawn by three or more horses or other animals, ten cents at each gate; and so soon as said road shall be completed five miles further, as herein-before directed, a similar application shall be made to the Court of the County in which such completed part is situated, upon which, proceedings shall be had as before directed; and so on, for every five miles, until said road shall be finished and completed, according to the true intent and meaning of this act. A majority of the Stockholders may order the nett profits from the tolls hereby granted, to be divided half-yearly among the proprietors of said Company, in proportion to their respective shares.

SEC. 27. *Be it enacted*, That it shall be lawful for said Company, after said road is made, according to the true intent and meaning of this act, to throw open and free every alternate gate, and charge and collect double tolls at the remaining gates for such persons, animals, wagons, carts, carriages, &c., as have, or intend directly to pass the next adjoining free gate.

SEC. 28. *Be it enacted*, That, should any person refuse to pay the tolls hereby granted at the time of offering to pass, the toll-gatherer may refuse to such person passage, and if any article or thing liable to toll,

Toll-gates.

Rates of toll.

Dividends.

Alternate gates free.

Enforcement of toll.

shall by any means pass without payment thereof, or go around the gate to avoid the payment of toll, the toll-gatherer may by warrant, before a Justice of the Peace, in the name of the Company, recover from the person liable to such toll, the sum of five dollars for the use of said Company, besides the whole cost of such proceeding.

Keeping road  
in repair

Sec. 29. *Be it enacted*, That if said Company fail to keep said road in repair for the space of ten days, they shall not be permitted to collect any toll at the gate nearest to where said road is out of order until the same is put in repair; and upon information given to any Justice of the Peace in the County where the defective road is situated, he shall issue a warrant to some Constable, commanding him to summons three freeholders to meet at a certain time and place specified in said warrant, ten days' notice having been given to the person charged with the repair of that part of the said road; and if, by said freeholders or any two of them in the presence of the Justice who shall also attend, the said road shall be found out of repair, the person entrusted with the repair thereof shall forfeit ten dollars to the use of the person who shall sue for the same, besides the whole cost of such proceeding.

When to be  
commenced and  
completed.

Sec. 30. *Be it enacted*, That if said Company shall not begin said road within two years after said Company shall have been formed, or shall not have completed the said road within ten years thereafter, in the manner herein directed; or should permit the same or any part thereof to become and remain for the space of three months ruinous and out of repair; then this charter shall be forfeited, and all the privileges acquired under it shall forever cease.

Grave, bridges  
&c.

Sec. 31. *Be it enacted*, That the Commissioners; when they view, and mark out said road, shall determine what elevation shall be allowed in making said road in the different uneven parts thereof; and in no part shall more than five degrees be permitted. They shall designate the places where bridges and aqueducts shall be erected, and the kind and material thereof. They shall also decide upon the depth of cutting and filling up, and the width of grading, &c. They shall also make a written statement of the foregoing matters and things, one copy of which they shall file with the Clerk of Shelby County, and deliver another to the said Company; the said road shall be made to conform to the requisitions of said Commissioners in the foregoing particulars: *Provided*, a road be constructed and kept for public transportation and travel, in a good, sub-



Tolls at 2d gate.

Company may collect the same tolls at their second gate as at the first gate, anything in the existing acts of Assembly to the contrary notwithstanding.

Location of 2d gate.

Sec. 38. *Be it further enacted*, That said Turnpike Company shall have authority to place the second gate as near the bridge over the West Fork at Davie's Mill, as may enable the keeper to protect said bridge, anything in the existing acts of Assembly to the contrary notwithstanding.

Sec. 39. *Be it further enacted*, That it shall be lawful for the Board of Directors of said Turnpike Company to continue in office, provided the Stockholders should fail at any time to hold an annual election.

May change termination.

Sec. 40. *Be it further enacted*, That said Turnpike Company (having filed their "memorandum in writing," in accordance with the provisions of an act passed the 17th of February, 1850, entitled "An act to authorize the formation of Turnpike Companies,") may change the Southern point of termination, and have the beginning of said road on the western bank of Red River, at the western end of the Lower Red River bridge.

Rates of toll.

Sec. 41. *Be it further enacted*, That hereafter, any one intersecting or coming on the Clarksville and Hopkinsville Turnpike road, from the Old Forge road, the Dover road and the Lafayette and Garrettsburg road, shall pay toll only in proportion to the distance traveled on said Turnpike road; and that said Turnpike Company shall not have power to charge any tolls from persons going to or from church—anything in the existing acts of Assembly to the contrary notwithstanding.

Sec. 42. *Be it further enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26th, 1855.

## CHAPTER 205.

AN ACT to incorporate the Tennessee Female College and the Buchanan College at Winchester; to incorporate the Flynn's Lick Institute; to incorporate the Odd Fellows' Female Institute at Cornersville; to charter the Masonic Educational Association of Chattanooga; to amend the act of 25th February, 1852, relating to the Metropolitan Hotel Company; to incorporate the Madison Building and Loan Association; to incorporate the Mount Juliet High School in Wilson County; to incorporate the Trustees of Clifton College, in the town of Clifton, Wayne County; to incorporate Union Hill Academy, in Rutherford County; to incorporate the Trustees of Mortimer Institute, at Alexandria.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all and every person, or persons, or their personal representatives, who are, or shall hereafter become members of an association formed at Franklin, in Williamson County, for the purpose of establishing a Female College in that town, and their assigns, are hereby constituted a body politic and corporate, by the name of the Tennessee Female College, and by that name shall have perpetual succession, and common seal, and be capable of suing, and be liable to be sued, and be enabled to purchase, receive and hold forever, or for any less estate, any lands, tenements, goods, and chattels, which may be given, granted, or devised thereto, or purchased thereby, for the use of the Institution, and to use and dispose of the same as shall be deemed by the President and Trustees thereof most advantageous for female education, or for the stockholders; and also to ordain, establish, and put in execution such by-laws, rules, and regulations as shall appear necessary and proper, to the President and Trustees, for transacting the business and affairs of said Institution, and conducting and governing the same as a college for the education of females.

Tennessee Female College.

SEC. 2. *Be it enacted*, That the following shall constitute the principle upon which said Institution is founded, and the rules for its organization and government:—

Rules of organization, &c.

ARTICLE 1. Each individual who has subscribed for stock in said Institution, or his personal representative and each individual who shall hereafter subscribe for stock in the same shall be a joint proprietor with all other stockholders in said Institution, of all the property appertaining to the same, so long as he or she shall conform to the rules of the Institution for the government of stockholders.

Stockholders joint proprietors

ART. 2. The capital stock of the Institution shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each.

Capital stock.

ART. 3. The affairs of said Institution shall be managed by ten Trustees, who shall elect one of their own body President. The Trustees shall be stockholders,



**Trustees.** and elected by the stockholders. Each share shall be entitled to one vote, but in such manner that no stockholder shall be entitled to more than forty votes. The first election shall be held on the first Monday in March, 1856, and ever after on every successive first Monday in October. If at any time an election of Trustees shall not take place, the Trustees for the time being shall act until an election shall take place. If any Trustee shall refuse to act, or die, or remove out of the State, or cease to be an owner of stock, the remaining Trustees shall fill the vacancy until the next election.

**Treasurer.** ART. 4. The Treasurer shall be elected for said Institution by the President and Trustees for one year, and until his successor shall be elected, and enter upon the discharge of his office. It shall be the duty of the Treasurer to take charge of the funds of the Institution and collect and pay over and distribute the same under the orders of the President and Trustees. Before he shall enter upon the duties of his office, he shall enter into bond with good security, payable to the President and Trustees, in such manner as they may order, for the use of the Institution, with conditions that he will faithfully execute the duties of his office, and that he will faithfully account for all monies that shall come into his hands, and pay over whatever shall so come, to the President and Trustees, or to their order, whenever he shall be thereunto required; and that said Treasurer shall keep a regular book, in which he shall enter all receipts and disbursements of the money; shall keep the same open to the inspection of the President and Trustees, and shall hand the same over to the President and Trustees when his term of service shall expire.

**Secretary.** ART. 5. The President and Trustees shall appoint a Secretary, who shall be a stockholder, and who shall keep a regular and full record of their meetings and the business done by them at each meeting, which shall be open to the inspection of the stockholders at every meeting.

**Rules, by-laws, &c.** ART. 6. The President and Trustees, of whom seven shall be a quorum to transact business, shall have power to make, alter, and annul all such by-laws, rules, and regulations for the government and conduct of the institution, and that of their officers and persons employed by them, and for the tuition and instruction of females, as to them, from time to time, may seem expedient, not inconsistent with this act of incorporation, or the articles of association; and shall have power to employ such and so many teachers in the different branches of education, to prescribe the branches to be taught, and

the manner of teaching, as to them may seem proper. And they shall at all times have the right, and it is made their duty to visit the college at least once a month, and inquire into the discipline and the studies of the pupils.

ART. 7. The stock, or shares of stockholders, shall be transferable on the books of the Institution, and in no other manner.

ART. 8. The President and Trustees shall have power to make calls from stockholders on their stock from time to time, as they shall deem necessary. Ten days public notice of the calls made shall be given in the newspaper printed at Franklin. Calls of stock.

ART. 9. If any member of said Company shall fail to pay into the hands of the Treasurer within the time required by order of the President and Trustees any sum required by them to be paid, such person shall thereupon cease to be a member of said Company, and shall forfeit all claim that he, or she, may have to the property of said Company, or to the money by him or her paid: *Provided, nevertheless,* that the President and Trustees shall have power within any time of four months from such failure, on the application of such person, to accept such instalment with an additional sum, not exceeding ten per cent., and reinstate such defaulter as a member, and cause the same and all circumstances attending it, to be entered on the records, and if any member shall make such default or failure, and shall fail to make application to the President and Trustees within the term of four months to be reinstated, or shall fail to pay such instalment with the addition of the damages required, his default shall be entered on the minutes of the Board, together with the circumstances, and that he or she has ceased to be a member of the Company. Forfeiture of stock.

ART. 10. The profits of said Company shall be applied, as far as may be judged expedient, to the purpose of furthering and promoting female education. Any profit which may not be adjudged by the President and Trustees necessary to apply to that purpose shall be paid over to the members of the Company, for the time, in proportion to the stock owned by them respectively, every six months.

SEC. 3. *Be it further enacted,* That until the first Monday in March, 1856, and until an election shall take place, for an election of Trustees of said College the affairs of said College and Company shall be conducted and managed by William Johnston, John W. Morton, Samuel S. House, John S. Park, and John Marshall, of whom John Marshall shall be President; and until that

Temporary Trustees.

time said Institution shall be called and be the "Tennessee Female College," and the persons named in this section shall have and exercise all the powers and authority hereby given to the President and Trustees of said College.

**Powers.** SEC. 4. *Be it further enacted,* That the Institution hereby created, be vested with rights, powers, and franchises of a College under the laws of the State of Tennessee.

**Buchanan College.** SEC. 5. *Be it further enacted,* That all the rights, privileges, &c., granted by the foregoing act shall extend to a Male College to be located at Winchester in the County of Franklin, by the name of Buchanan College, and Wallace Estell, W. W. Brazelton, Hugh Francis, A. S. Collin, James Harris, William Estell, M. M. Henderson, and W. E. Venable, shall be constituted a Board of Trustees, to manage said College and Company, until the stockholders elect a Board of Trustees for said Institution; and said Board may elect a President and other officers until the stockholders elect.

**Flynn's Lick Institute.** SEC. 6. *Be it further enacted,* That Joshua Hail, Jas. Draper, A. W. Johnson, H. H. McClendon, B. Fox, J. H. Lee, U. T. Brown, T. J. Gailbreath, and Amen Hail, and their successors be, and they are hereby, constituted a body politic and corporate, by the name and style of the Flynn's Lick Institute, and shall have perpetual succession; and are invested with all legal powers and capacities to buy, receive, possess, hold, dispose of, alien, and convey any property; either real or personal, for the use and benefit of said Institution; shall have a common seal; may sue and be sued, and do whatever may be deemed necessary for the advancement of learning in said Institution.

**Vacancies in Board.** SEC. 7. *Be it further enacted,* That said Board of Trustees may have power to fill all vacancies that may occur in their body, from death, resignation, or otherwise, to declare the seat of any member vacant who may fail to attend their meeting for a year altogether, or who may commit any other act calculated to impair the credit, or otherwise injure the Institution.

**By-Laws, &c.** SEC. 8. *Be it further enacted,* That said Board of Trustees may from time to time make such by-laws and ordinances for the government and well being of the Institution, consistent with the laws and constitution of the United States, and of the State of Tennessee, as they may deem necessary and proper, to elect a faculty **Faculty.** and empower the same to take charge of the several departments of learning, and fix their salaries; to adopt such measures as they may deem expedient to increase

the fund and property of the Institution, and shall convene at least once in each session, and as often as the preceding officer may think proper to call meetings, which at least three days' notice shall be given each member of the Board, and seven members of said Board shall constitute a quorum to transact business. Quorum.

Sec. 9. *Be it further enacted*; That there shall be established an institution of learning, to be known under the name and style of Odd Fellows' Female Institute. Odd Fellows' Female Institute

Sec. 10. *Be it enacted*, That all power herein granted for the government of this College, shall be, and is, vested in Mount Vernon Lodge, No. 25, Independent Order of Odd Fellows, who shall constitute the Board of Trustees, and by the name and style of the Board of Trustees of Odd Fellows' Female Institute; shall have perpetual succession, and for the purpose of the permanent establishment of said Female Institute; shall be the proprietors of all personal and real estate and property belonging to said institution of learning; and, with their successors, are hereby declared to be a body politic and corporate, by the name and style aforesaid, and shall be liable to sue and be sued, plead and be impleaded in all courts of law and elsewhere; and to purchase, hold, or sell estate, both personal and real, and to receive the same by gift or devise, in trust, for the purpose of female education; and have a common seal, and also, to ordain, establish, and put in execution such laws and regulations for the purpose of transacting the business of, and for governing and conducting said female institute, as shall appear to them proper and necessary; *provided*, the same shall not be inconsistent with the constitution and laws of this State: *And provided also*, that this charter of incorporation shall be approved by the Right Worthy Grand Lodge of the Independent Order of Odd Fellows, of the State of Tennessee. Trustees.

Sec. 11. *Be it enacted*, That no alteration or amendment shall be made to the laws and regulations adopted as aforesaid, for the government of said institute, unless such alteration or amendment shall be proposed in writing, and read in open lodge at least two successive meeting nights before the first meeting nights in June and December, respectively, on which nights alone, amendments or alterations shall be made to said laws and regulations; and shall then require a vote of two-thirds of the members present to make such alterations or amendments. Powers.

Sec. 12. *Be it enacted*, That in order to aid in the endowment of this institution, it may be lawful for the Lodge to issue and grant certificates of scholarship to Amendments to rules and regulations.

individuals, companies, associations, or lodges, setting forth the amount of scholarship, which may be either perpetual or limited, and for such amounts, and upon such conditions, as the Lodge may determine, entitling the holders of such scholarship to such rights as to placing pupils in the school, and upon such terms as may be set forth therein on their face; which said certificates of scholarship may be transferred, bequeathed, or otherwise disposed of as any other property.

SEC. 13. *Be it enacted*, That this charter shall not be so construed as to infringe any principle of the Independent Order of Odd Fellows; and this institution, as an Odd Fellows' school, shall never be transferred to any other body or association; but if at any time the charter of the Mount Vernon Lodge shall be forfeited or surrendered to the Grand Lodge of the State of Tennessee, this institution, with its chartered rights, shall be vested in said Grand Lodge; *provided*, said Grand Lodge shall never remove it, nor transfer any part of its funds, or in any way divert it from its original design and intention, or dispose of the same.

SEC. 14. *Be it enacted*, That the Lodge, as the Board of Trustees, shall elect a Board of Curators, of their own body, (no more than two of whom shall at any one time belong to the same religious denomination, either by actual membership, or publicly known bias.) This Board of Curators shall consist of seven members of the Lodge, who shall be elected immediately after the passage of this act, and who shall continue in office until the first meeting night in January, at which time a new Board shall be elected for twelve months, which is as long as any one Board shall serve. The Lodge failing to elect the seven Curators, as above mentioned, may elect them subsequently at any future meeting, one week's notice being given in open Lodge, and may fill any vacancies that may occur, giving the same notice. Four members of the Board of Curators shall constitute a quorum for the transaction of business, and shall, so soon as elected by the Lodge, elect of the Board of Curators, one President, Vice President, Secretary and Treasurer.

SEC. 15. *Be it enacted*, That the Board of Curators shall nominate to the Lodge, persons to fill the offices of President, Professors, and Tutors.

SEC. 16. *Be it enacted*, That the Board of Curators shall have full power to grant diplomas, or such other certificates of scholarship, to such of its pupils as may be adjudged worthy, which shall be signed by the elective officers of the Lodge, the Board of Curators, and

by the President of the Institute, and shall have such other power, and perform such duties as shall be prescribed in the laws and regulations for the government of the Institution.

Sec. 17. *Be it enacted*, That if at any time a surplus fund shall accrue from the income of the College after meeting expenses, and paying present outstanding liabilities, the same shall be applied to the education of the indigent children (orphans) of Odd Fellows.

Surplus fund.

Sec. 18. *Be it enacted*, That the building now erected for this school, and all others erected upon the same lot, together with the ground, be forever free from State and County tax, as made and provided in similar cases.

Exempt of tax.

Sec. 19. *Be it further enacted*, That from and after the passage of this act, Eugene Strode, Henry W. Massengale, John C. Burch, Thomas McCallie, Robert Cravens, John L. Divine, and Edwin Marsh, their associates, and successors, be, and they are hereby, constituted a body corporate by the name and style of the Masonic Educational Association of Chattanooga, with perpetual succession.

Masonic Educational Association of Chattanooga.

Sec. 20. *Be it enacted*, That the persons so incorporated and their successors, shall have power to receive subscriptions to the stock of said corporation, to the amount of twenty thousand dollars, in shares of twenty-five dollars each; and they shall also have power to hold real and personal estate, by purchase, gift, deed, or devise, and sell or exchange the same as shall be demanded by the interest of said association. They shall also have power to sue and be sued, plead and be impleaded, either in law or equity; they may use a common seal; and, through the officers and professors, may confer such degrees, and grant such diplomas as are usually granted and conferred in collegiate institutions.

Powers.

Sec. 21. *Be it enacted*, That said corporation may, when in their opinion the interests of the Association require it, have power to increase the capital stock thereof to fifty thousand dollars.

Increase capital.

Sec. 22. *Be it enacted*, That such real and personal estate as may be owned and used by said corporation for educational purposes, shall be exempt from State, County, and Corporation tax.

Exempt from taxation.

Sec. 23. *Be it enacted*, That in the management of the personal or real estate of said Association, and in the election of Trustees, each stockholder shall be entitled to cast one vote for each share of stock which he may own; and the votes may be given either in person or by proxy. The shares of stock taken in this corpo-

Electors.



ration shall be transferable only on the books of the Association.

**By-Laws, &c.** SEC. 24. *Be it enacted*, That for the purpose of founding said Association and endowing its professorships, and managing the real and personal estate thereof, said corporators, their associates and successors, shall have power to make all needful by-laws, rules, and regulations, and shall have all the other powers, rights, and privileges incident to such corporations.

**Trustees.** SEC. 25. *Be it enacted*, That the stockholders shall annually elect a Board of Trustees, consisting of seven persons, at such time as they may designate; and the stockholders may delegate to the Trustees such power as said stockholders may think proper. The corporators mentioned in the first section of this act, shall act as the Trustees until their successors are elected by the stockholders.

**Assignments may be made to it.** SEC. 26. *Be it enacted*, That the aforementioned corporators, or any of them, or any other persons who may have received subscriptions for stock, and who may hold in trust any property, real or personal, for the purpose of establishing a male or female seminary, one or both, in the city of Chattanooga, are hereby authorized to assign such subscription of stock, and convey by deed, such real estate as they may thus hold in trust, to said Masonic Educational Association of Chattanooga.

**Metropolitan Hotel Company amended.** SEC. 27. *Be it further enacted*, That an act to incorporate the East Tennessee Mutual Insurance Company, and for other purposes, passed February 25, 1852, in which the Metropolitan Hotel Company is incorporated, be so amended that the capital stock of said Company shall be increased to two hundred and fifty thousand dollars; and the Directors of said Company shall, by a vote, have the power to change the name of said hotel, at any time after their organization.

**May issue bonds** SEC. 28. *Be it enacted*, That after the sum of one hundred thousand dollars shall have been subscribed to said Metropolitan Hotel Company then the Board of Directors of said Company shall have the power to issue the bonds of the corporation for any sum in their discretion, within the capital stock; not subscribed, that may be necessary to complete and furnish said hotel, and may secure the same by mortgage on any property belonging to said corporation.

**Madison Building and Loan Association.** SEC. 29. *Be it further enacted*, That W. E. Butler, Alexander Jackson, John W. Campbell, Robert B. Hurt, William L. Flowers, and such other persons as may be associated with them, by becoming shareholders in





nt of said school, who shall be *ex officio* a member of the Board and President of the same, and such professors, tutors, and other officers in said institution as they may deem necessary; may, in conjunction with said President and Professors, confer all such degrees and diplomas as are usual, and have and enjoy all other privileges and immunities which appertain to similar institutions, including the power to make such by-laws and regulations for the government of said corporation and school, as they may deem necessary, not inconsistent with the constitution of the State, or the United States.

Sec. 35. *Be it enacted*, That said Board shall elect a Treasurer and Secretary, and shall keep a record of all their proceedings, and shall pay over annually to the stockholders such dividends as may have accrued on their respective shares of stock; and that the first Board of Trustees shall consist of John Crudop, A. Harrison, Thomas E. Williamson, John W. Tate, John R. Wilson, William L. Young, Guy T. Gleaves, Daniel Searcy, and P. Cawthorn, who shall hold their office until the first annual meeting in June next, and until their successors are elected.

Sec. 36. *Be it enacted*, That the stockholders in said institution shall have power to sell, transfer, and convey their stock, or any portion thereof, by written assignment; *provided*, a majority of the Board of Trustees, at any regular meeting of the Board consent thereto.

Sec. 37. *Be it further enacted*, That the property belonging to said corporation be, and the same is hereby, exempted from taxation.

Sec. 38. *Be it further enacted*, That S. S. Ricketts, C. Hemphill, S. H. Baker, Little Choat, Dr. H. W. Winter, W. J. Strayhorn, Dr. Childress, John McDougal, Jos. T. Hassell, Jonathan Morris, William West, John Hughes, and William H. Barlow, be, and they are hereby constituted a body corporate, by the name of the Trustees of Clifton College, situated in the town of Clifton, in the County of Wayne, and shall have perpetual succession, and be capable in law to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, or chattels, which may be given, granted, or devised to them, or purchased for the use and benefit of said institution, and to appropriate and dispose of the same, in such manner, as to them may seem fit and proper, for the use and benefit of said College; and the said Trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be pleaded in any court of law or equity in this State or elsewhere.

rate existence under the name and style of the Trustees of the Mortimer Institute.

Sec. 45. *Be it enacted*, That the said institution shall be governed by seven Trustees, who, and their succes-

**Trustees, &c.** sors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first Board shall consist of William Floyd, John F. Goodner, John D. Wheeler, Alford Bone, John F. Moore, Thomas J. Sneed, and Oliver D. Williams. All vacancies that may occur in their body shall be filled by the Board, and entered upon the minutes. They may elect from their own body, a President, Secretary, and Treasurer.

**Powers.** SEC. 46. *Be it enacted*, That the said Board shall have power to employ all necessary teachers, and lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold real and personal estate, by purchase, gift, or devise, and sell or exchange the same, as the interest of the institution may require; to sue and be sued, and have a common seal; to confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas as are usual in female academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said Academy, not being inconsistent with the constitution and laws of the State of Tennessee, and of the United States.

**Powers.** SEC. 47. *Be it enacted*, That said Board shall have the power to receive subscriptions of stock in said institution, in such sums, and upon such terms, as they shall in their by-laws designate and prescribe; and the property, and assets of the institution shall be governed by the Board, under such by-laws and regulations as they may from time to time establish. The shares of stock shall be five dollars each, and provided that when five hundred dollars is subscribed, then said Board of Trustees may proceed to organize.

**Transfer of claims.** SEC. 48. *Be it enacted*, That in the conveyance of real estate, or the transfer of claims, or other assets, the name of the President of the Board shall be sufficient, by order of said Board, in each case.

**May contract with Masonic Lodge at Alexandria.** SEC. 50. *Be it further enacted*, That said President and Trustees be, and they are hereby, authorized to contract with the Masonic Lodge, at Alexandria, for the building of a lodge room, on or in connection with such building as may be erected for the use of said female institute; and any contract or agreement made or entered into by said Board of Trustees and the Masonic Lodge shall be valid and binding between the parties thus contracting.

**Sec. 50. *Be it enacted.*** That this act shall take effect from and after its passage.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 206.

AN ACT for the Benefit of James Mitchell, and for other purposes.

Whereas, By the existing laws of this State no provision exists for the compensation of Jailors for keeping slaves imprisoned for felony; and whereas, Isham, a slave of Mrs. Gillespie, was confined in the jail of Jefferson County, from the twenty-ninth day of June, 1852, to the second day of September, 1853, and was afterwards kept in said prison from the time of his sentence until his execution, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller is hereby authorized to issue his warrant to James Mitchell, for the sum of two hundred dollars, being the amount of jail fees due said Mitchell.

Sec. 2. *Be it further enacted,* That the Treasurer of the State be, and he is hereby, authorized to pay, on the warrant of the Comptroller, to James A. Whiteside, Commissioner from Tennessee to Georgia, under resolution of the Legislature, of 3d March, 1854, the mileage and per diem allowed by law to a presiding officer of either branch of the Legislature, for the time he was engaged in the discharge of his duties as Commissioner.

For the benefit  
 of James A  
 Whiteside.

Sec. 3. *Be it further enacted,* That the Comptroller of the Treasury issue his warrant upon the Treasurer, to David R. Johnson, late Sheriff and Tax-collector of the County of Greene, for the sum of eighty-two dollars and eighty cents, being an amount improperly paid into the Treasury on the State tax of Greene County, for the year 1852: *Provided,* the same has not been refunded back to said Johnson.

David R. John-  
 son.

Sec. 4. *Be it further enacted,* That the further time

John J. Hinton. of two years be given to the securities of John J. Hinton, late Tax-collector of Davidson County, upon their executing bond with approved security for the amount yet in arrears to the satisfaction of the Comptroller: *Provided*, that no existing liens shall be released for any part of the whole sum due, until the whole is secured as aforesaid; *and provided further*, that said securities shall pay up all costs that may have accrued in any way to the State, in consequence of the defalcation of said John J. Hinton.

SEC. 5. *Be it enacted*, This act shall take effect and be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 207.

AN ACT for the Benefit of Kinsloe and Brother.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant upon the Treasurer, to Kinsloe and Brother, for printing twenty-five hundred pamphlets of the report of the Board of Trustees for the Deaf and Dumb Asylum at Knoxville, and that the Comptroller shall estimate the value of said printing according to the existing laws regulating the price of printing for the State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.





A. Selcer.

Tax-collector of Hamilton County, for the sum of sixty-four dollars and forty cents, an amount over paid by him, into the Treasury of the State, on account of an error in the calculation of the State tax due from Hamilton County for the year 1854.

Wm. Chaffin.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, to Wm. Chaffin, late Sheriff of the County of Lawrence, for the sum of twenty dollars, the amount of expenses incurred as such Sheriff, in conveying Joseph H. Turnfaw from the jail of Lawrence County to the town of Newburg, in the County of Lewis.

Wm. Craig.

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, to John W. Lane, Jailor of Hickman County, for the sum of eighty dollars, the amount due said Lane for boarding &c., Samuel Tate, a prisoner kept in the jail of the County of Hickman by order of the Circuit Court of Perry County, and which sum was omitted in the taxation of costs in said case, said prisoner being convicted.

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, to William Craig, Sheriff of Knox County, for the sum of thirty-one dollars, the amount he actually expended in taking to Jacksboro and to Claiborne County, ——— January, on a writ of *habeas corpus*, to give evidence against his accomplices on a charge of felony.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 19, 1856.

## CHAPTER 210.

AN ACT to charter the Bank of America of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Barnes, S. Philpott, Jas. A. Trice, C. D. West, William H. Mason, Dr. Walter Drane, G. A. Henry, Jas. M. Quarles, T. M. McCulloch,

their first meeting after each election, shall appoint one of their body President of said bank ; and if at any time, it should so happen that an election of Directors

should not be made upon any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful at any other time within thirty days thereafter, to make such election, in such manner as shall have been prescribed by the laws or ordinances of said corporation; and in case of death, resignation, or removal of a Director elected by the Stockholders, his place shall be filled by the remaining Directors or a majority of them until the next general election.

Officers.

SEC. 7. *Be it further enacted*, That the Directors for the time being, shall have power to appoint such officers, clerks, agents and servants under them, as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other power and authorities for the well-governing and ordering the affairs of said corporation as shall be prescribed and provided by the laws, regulations and ordinances of the same; and at their first meeting may alter the name or title of the corporation if requested by a vote of three-fourths of the stockholders.

Minutes.

SEC. 8. *Be it enacted*, That the Directors shall keep fair and regular minutes of their proceedings, and on any question where any Director shall require it, the yeas and nays of the members voting shall be duly entered.

Directors may inspect books.

SEC. 9. *Be it enacted*, That it shall be lawful for any one of the Directors of said bank to inspect the books and accounts of said bank at any time, whether the Board of Directors shall be in session or not.

Amount of circulation.

SEC. 10. *Be it enacted*, That the bills and notes issued by this bank shall in no case exceed one hundred per cent. above the amount of the capital paid in.

Denomination.

SEC. 11. *Be it enacted*, That the bills which it shall be lawful for said corporation to issue, shall not be for a less sum than (\$5) five dollars.

Forfeiture of charter.

SEC. 12. *Be it enacted*, That whenever the Legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, and that the same has been forfeited, it may be lawful, by joint resolution, to direct a *scire facias* to issue from the Supreme Court of the State of Tennessee, calling upon said corporation to show cause why the charter hereby granted shall not be declared forfeited; and the service of said *scire facias* upon the President or any two of the Directors, shall be deemed a sufficient service upon said corporation; and it shall be lawful for said

Court, and they shall have full power upon the return of the *scire facias* being made known, to inquire into the truth of the alleged violation, and if such violation be made to appear, then to adjudge and announce said charter to be forfeited and annulled: *Provided, however,* that said *scire facias* shall specify with precision, the nature of the complaint, the grounds upon which the forfeiture is claimed, and every issue of fact, which may be found between the State and said corporation, shall be tried by a jury to be empaneled by said Court for that purpose.

SEC. 13. *Be it enacted,* That if, at any time, it shall be made to appear by *scire facias* or any other judicial proceedings, in any court of record in this State, that said corporation has violated this charter by exceeding the amount of issues herein authorized to be made, or by extending or giving to stockholders discounts or other banking facilities by virtue of their stock, beyond what is given or extended to others not being stockholders, then and in either of the above cases, the Directors voting for, or who may have sanctioned such violation of the charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation; and in case the property, real and personal, of such Directors may not be sufficient to compensate for injuries which may thus be sustained by noteholders or others, then and in that case the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock respectively held by them to make up such deficiency: *Provided, however,* that said individual liability shall not be enforced against either Directors or Stockholders, so long as said bank shall continue to redeem its notes, or to pay its debts at its usual place of doing business, nor until judgment shall have been first regularly obtained against said bank, and execution shall have been duly returned unsatisfied, and that no property of said corporation can be found to satisfy the same.

Liabilities of  
Directors and  
Stockholders.

SEC. 14. *Be it enacted,* That the following shall be the fundamental articles of said corporation:

Articles of in-  
corporation.

ARTICLE 1. All stockholders owning ten shares or under, shall be entitled to one vote; and the owners of more than ten shares shall be entitled to one vote for every ten shares.

ART. 2. None but a stockholder shall be eligible as a Director, and no Director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting; but the Directors for the time being shall have power to make such com-

pensation to the President for extraordinary attendance at the bank and superintending its concerns as to them shall seem reasonable.

ART. 3. Not less than three Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case a President pro tempore may be appointed by a majority of the Directors present.

ART. 4. A number of Stockholders holding not less than five hundred shares, shall have power at any time to call a general meeting of the Stockholders, as shall also a majority of the Directors, for purposes relating to the institution, giving at least forty days' notice in two newspapers of general circulation, specifying the object or objects of such meeting.

Bond of Cash-  
ier and other  
officers.

ART. 5. The Cashier of the Bank shall execute his obligation, with security approved by the Board of Directors, payable to the President and Directors of said Bank and their successors in office, for the faithful performance of his duty as Cashier, with such covenant and such penalty as said President and Directors shall deem requisite and proper; and said President and Directors shall have full power to require like bond and security from any or all other officers with like covenants and conditions, if they deem it necessary; which said bonds when taken shall be placed in the hands of the Secretary of State, and shall be good and sufficient in law or equity to enable said Bank to recover from said Cashier or other officer and their securities, all sums of money which may come to their hands in discharge of their official duties, and for any default, neglect, fraud or failure on the part of said officers, suit may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud, failure or delinquency on the part of said Cashier or other officer, without regard to any penalty that may be mentioned in said bonds or obligations.

Real estate to  
be held.

ART. 6. The lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as may be requisite for its immediate use for the transaction of the business of the corporation, and such as may have been *bona fide* mortgaged to it by way of security, or conveyed to said Bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales of judgments or decrees, which shall have been obtained for such debts.

ART. 7 The stock of said Bank shall be assignable and transferable on the books of the Company according to such rules, ordinances and regulations as shall be prescribed by the President and Directors thereof, and it is hereby expressly provided that any Stockholder who shall transfer his, her or their stock in said corporation, to any person or persons whatever, shall immediately cease to be a member of the Company, and any persons whatever who shall accept of a transfer of any stock in said Bank, shall thereupon become members of this corporation, agreeably to the fundamental articles of the same and of this act of incorporation.

Transfer of  
stock.

ART. 8. All bills, bonds, notes, and every contract on behalf of the Company, shall be signed by the President and countersigned and attested by the Cashier of the Company, and the funds of the Company shall in no wise be held responsible for any contract or engagement whatever, unless the same shall be executed as aforesaid.

President's  
signature.

ART. 9. The bills obligatory and of credit, under the seal of the corporation, which shall be made to any person or persons, shall be assignable by endorsements thereupon, under the hand or hands of such person or persons and of his, her or their assignee or assignees respectively, and shall enable such assignee or assignees to bring and maintain an action and recover thereon in his, her or their name or names; and bills or notes, which may be issued by order of said corporation and signed by the President and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her or their order, or the bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same in like manner and with like effect as foreign bills of exchange are now, and those payable to bearer shall be negotiable and transferable by delivery thereof only, and all bills and notes whether under seal or otherwise, at any time discounted by said corporation, shall be and they are hereby placed on the same footing of foreign bills of exchange, so that the like remedy may be had for the recovery thereof against the drawer or drawers, endorser or endorsers, and with like effect, except so far as relates to damages, any law, usage or custom to the contrary notwithstanding.

Bills assignable.

ART. 10. The said corporation shall not, directly or indirectly, demand or receive, by way of discount or interest, a greater sum than six per cent. per annum; *Provided*, that this article shall not be so construed as to prevent said Bank from receiving a reasonable premium

Rate of interest—discount

for exchange, in addition to interest on bills or notes payable at any points beyond the State: *Provided further*, that no more bills of exchange shall be discounted by said Bank, than promissory notes.

**Dividends.**

ART. 11. Dividends shall be declared and paid at such times as the Directors may deem proper.

**Suspension.**

ART. 12. Should said corporation at any time suspend or refuse payment of any notes, bills, deposits, or other obligations of said Bank, the person to whom said Bank may thus be indebted shall be entitled to receive from time to time of such demand and refusal, interest at the rate of ten per cent. per annum.

**Bonus to the State.**

SEC. 15. *Be it enacted*, That in consideration of the privileges granted by this charter, the Bank agrees to pay the State annually one half of one per cent. on the amount of the capital stock subscribed and paid, in lieu of all other taxation, which shall be applied to the Common School fund.

**Transfer of stock.**

SEC. 16. *Be it further enacted*, That the Stockholders shall not sell or transfer their stock in the Bank of America of Tennessee without the consent of three-fourths of the Stockholders in said Bank; and whenever any of said stock is sold or transferred, publication of the same shall be made in two or more of the nearest newspapers to the Bank in the State of Tennessee.

**Change of name**

SEC. 17. *Be it further enacted*, That should the Stockholders of the Bank of America of Tennessee request the Directors to change or alter the name or title thereof, as provided in the seventh section of this charter, the proceedings and action thereon, duly attested by a majority of Corporators and the President, shall be placed with the Secretary of State, whereupon the new name thus chosen by the Directors shall be and is hereby substituted for all intents and purposes, the same as the original name or title.

**Statements to be published.**

SEC. 18. *Be it further enacted*, That this Bank shall, on the first of July in every year, after having commenced the business of banking, make out and transmit to the Governor a full statement of the affairs of the Bank, verified by the oath of the President or Cashier, which shall be published in a newspaper in the County where the place of business of said Bank is situated, and in a newspaper published at the seat of government, the expense of which shall be paid by the Bank, and that a committee of three citizens of Montgomery County, Tennessee, shall be appointed by the County Court of Montgomery County, Tennessee, to examine the list of Stockholders of said Bank of America and report upon their solvency before said Bank of America shall



commence issuing notes, or transacting any banking business.

SEC. 19. *Be it enacted*, That at least two-thirds of the stock shall be owned by citizens of the State of Tennessee, and at no time shall the charter hereby granted be transferred.

SEC. 20. *Be it enacted*, That the individual property of the Stockholders of said Company shall be liable for their issues as well as for all other debts contracted by said Company, and that each and every Stockholder shall be liable in his individual capacity for all the debts and dues thereof, to the full extent of the stock by them respectively subscribed for, and that this act shall take effect from and after its passage. Individual liability.

SEC. 21. *Be it enacted by the General Assembly of the State of Tennessee*, That said incorporators or commissioners shall keep books open for subscription of stock in the town of Clarksville for the period of thirty days, and if the full amount shall not be subscribed during the time for which the books for subscription are authorized to be kept open, then it shall be lawful for the Directors to keep open said books at such time and at such places as they may desire, until the whole amount of stock shall be subscribed for. They shall also be required to give twenty days notice by publication in the two newspapers at Clarksville, before opening the books for subscription of stock. If a greater amount of stock should be subscribed than the "capital [stock]," the stock shall be scaled, and no person shall subscribe for a greater amount of stock in said Bank than fifty thousand dollars. Opening books.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 211.

AN ACT to provide for the relief of Thomas Shelton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Building Commissioners of the Capitol be required to pay Thomas Shelton six hundred dollars, being the amount due him as Foreman of the Stone-cutters for the Capitol, for services already rendered, and which have not been paid.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 6, 1856.

## CHAPTER 212.

AN ACT for the relief of the heirs of Samuel Saffell, deceased.

*Be it enacted by the General Assembly of the State of Tennessee*, That the act heretofore incorporating the corporate limits of the town of Louisville, in the County of Blount, be so amended as to exclude the dwelling-house and farm belonging to the heirs of Samuel Saffell, deceased, and that this act take effect from and after its passage: *Provided*, that nothing in this act shall apply to so much of said farm as may have been laid off into town lots, but such town lots shall remain within the corporate limits of said town.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 15, 1856.

## CHAPTER 213.

AN ACT for the relief of Sneed Harris of the County of Shelby, for the benefit of Jesse L. Horton, and to furnish Carter County with the seventh and eleventh volumes of Humphreys' Reports, and for the relief of John G. Brazelton of the County of Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be and he is hereby authorized to issue his warrant on the State Treasurer in favor of Sneed Harris, of the County of Shelby, for the sum of two hundred and twenty-five dollars, the amount of expenses incurred by said Harris and guard in apprehending Daniel Bell, in the city of Memphis, and conveying him to the city of Nashville, the said Bell being a fugitive from justice.

Benefit of  
Sneed Harris.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant upon the Treasurer of the State to Crawford W. Hall, Attorney for Jesse L. Horton, of Scott County, Virginia, for the sum of one hundred and twenty-four dollars, it being the amount of one hundred dollars, which was offered by Harvey Hamilton, Sheriff of Hawkins County, for the arrest and delivery of Madison Saunders, who was a fugitive from justice, charged with the murder of George Emmett, and twenty-four dollars, the amount of expense incurred in travelling and pay to guards in the apprehension and delivery of said Saunders to the jailor of Hawkins County, Tennessee.

C. W. Hall.

SEC. 3. *Be it further enacted*, That the Secretary of State be authorized and required to furnish the Clerk of the Circuit Court of Carter County, one copy of seventh and one copy of eleventh Humphreys', of the decisions of the Supreme Court of Tennessee, provided the same can be had without reprinting.

Carter County  
to be furnished  
with Reports of  
Supreme Court.

SEC. 4. *Be it further enacted*, That the Comptroller of the Treasury be and he is hereby directed to issue his warrant upon the State Treasurer in favor of John G. Brazelton, of the County of Franklin, for the sum of one hundred dollars, as compensation for arresting one Cha's Foster, in the State of Georgia, who had committed a homicide in Davidson County, and bringing said Foster to, and lodging him in the jail of said County of Davidson.

For the relief  
J. G. Brazelton.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 214.

AN ACT for the relief the heirs and devisees of M. Jules Godeau d'Eutraigues, and Madame Agathe Garaud d'Eutraigues, and for other purposes.

Whereas: M. Jules Godeau d'Eutraigues, and Madame Agathe Garaud d'Eutraigues, formerly citizens of France, removed to and settled in the State of Tennessee, on Tom's Creek, in Perry County, with the intention of becoming citizens thereof; and, with this intent, brought with them their estate, with a part of which they purchased real estate, and resided thereon during their lifetime: And whereas, the said parties and their heirs were always under the impression that they could hold real estate in the same manner, and by the same right, in the State of Tennessee, that the citizens of the State of Tennessee are authorized to hold real property in the empire of France: And whereas, the laws originally passed by the Congress of the United States and adopted by the State of Tennessee, in regard to aliens holding real estate, were intended to effect more particularly the rights of the subjects of England and not of the citizens of France: And whereas, by the Consular Convention ratified between the Government of the United States and the Government of the Empire of France, in February, 1853, wherein the United States pledged to use their influence with the General Assemblies of the different States of the Union to have laws passed, giving and granting the same right and privilege to the citizens of the Empire of France to hold real estate within their limits that the citizens of the United States are allowed and have under the laws of the Empire of France, to own, hold, and convey real estate in their own right, with the Empire of France; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State of Tennessee hereby relinquishes, remits, and releases all the right, title, and interest she has or may have in and to the estate of the said late M. Jules Godeau d'Eutraigues, and Madame Agathe Garaud d'Eutraigues, to their heirs, or devisees forever, to be held and conveyed by them in their own right, and in the same manner as though the said devisors had died citizens of the State of Tennessee, and said devisees were also citizens of said State.

And, whereas: David Woods, an aged free man of color, a resident of the County of Davidson, State of Tennessee, departed this life in the month of January, 1854, having previously executed his will, by which he willed to his only son, then his slave by purchase, Plummer Woods, his freedom, and all his estate, real

and personal: And whereas, the said Plummer, then resident in Shelby County, in the State of Tennessee, departed his life in the month of November, 1855, in said County of Shelby, without having obtained his freedom, leaving three children surviving—his said children being free persons of color, born in the State—his only surviving relations and heirs: And whereas, by the laws of this State, a slave is incapable of inheriting property—by reason whereof, the estate of the said David Woods will escheat to the State, for want of a legal heir: And whereas, the said Plummer Woods was a faithful and honest man; therefore,

For the relief  
of the heirs of  
David Woods, &c.  
m. c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That David Woods, Dewit Woods, and Rachael Woods, minors, and only children of the said Plummer Woods, be, and they are hereby, granted the right to inherit the estate of their grandfather, David Woods, to full extent, and with all the rights that would have inured to them, as the heirs of their grandfather, if their father, said Plummer, had been a free man of color; and the State hereby releases and quit claims to said children, all, the right, title, interest, fee, hereditament, or privilege, to which the State may, or might be or may become entitled to, in or to the estate of the said David Woods, as an escheat, for the want of legal heirs; said estate, however, to be subject to the just debts of the testator, and of Plummer Woods, deceased.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 215.

AN ACT to authorize the President and Directors of the Bank of Tennessee to appoint an additional Director.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of Tennessee be, and they are hereby, author-*

For Putnam  
County.

ized to appoint an additional Director in the Branch Bank at Sparta, who shall reside in the County of Putnam.

For Cumberland  
County.

SEC. 2. *Be it further enacted*, That the President and Directors be authorized to appoint an additional Director, who shall reside in the County of Cumberland.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 16, 1856.

## CHAPTER 216.

AN ACT to charter the Knoxville, Sevierville and Paint Rock Railroad Company.

Whereas : it would be highly conducive to the best interest of Tennessee, that a direct and continuous Railroad communication should be established between the eastern extremity of the State, connecting the same with similar improvements now finished and in progress in this State, and others being made through North Carolina, and thence connecting with the Atlantic seaboard ; and whereas, it would be of great importance in developing the agricultural resources of the Counties on the extreme eastern border of the State : thus promoting the general interests of a portion of the State heretofore much neglected ; Therefore

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a Railroad communication between Knoxville and the State of North Carolina, at or near Paint Rock on the south-eastern boundary of the State, or between the Cincinnati, Cumberland Gap and Charleston Railroad as may be hereafter provided for, via the town of Sevierville, in the County of Sevier, the formation of a company is hereby authorized, which when formed shall be a body corporate, by the name and style of "The Knoxville, Sevierville and Paint Rock Railroad Company," and by said corporate name shall be capable in law to purchase, receive by gift, hold, sell, and convey real and personal estate as hereinafter provided, make





receiving subscriptions as aforesaid shall have expired, and as received afterwards, the Commissioners shall respectively deposit all the money so received by them in some incorporated Bank, either at Knoxville or Dandridge, redeeming its notes in specie, to the credit of the Knoxville, Sevierville and Paint Rock Railroad Company, and subject to the order of the President of the Board of Commissioners hereinafter appointed, and shall also forward a correct list of subscribers to the said stock, with the number of shares each subscriber has taken, to a Board of Commissioners to be composed of the following persons: Lawson D. Franklin, Alex. B. Smith, Charles Inman, John Walker, Rob't H. Hodsden, B. M. Chandler, John Williams, J. G. M. Ramsey, James S. Boyd, O. P. Temple and Samel Bowman, who may establish rules to govern their proceedings, choose their own President and appoint such other officers and agents as they may think proper, and who, or a majority of them, shall meet in Sevierville, on the first Monday of May, 1857, or sooner if practicable, ascertain the whole number of shares taken in the said Company, and publish the same in some newspaper printed in Knoxville or Dandridge, on or before the third Monday in June, 1857, or sooner if practicable, and if the number of five hundred shares shall have been subscribed, on each of which there shall have been paid the sum of twenty-five cents, the Knoxville, Sevierville and Paint Rock Railroad Company shall be considered as formed, and thenceforth and from the day of closing the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, by the name and for the purpose aforesaid, in all things to be represented by the Board of Commissioners aforesaid, until the election of a Board of Directors, as hereinafter prescribed.

Board of Commissioners.

SEC. 5. *Be it enacted*, That if on closing the books aforesaid, the number of five hundred shares shall not have been subscribed, then the said Board of Commissioners, by themselves or their agents, may receive subscriptions until the number of five hundred shares are taken, and whenever that number shall be subscribed, the Company shall be regarded as formed, and to have a corporate existence, as aforesaid, and of which notice shall be given as hereinafter directed, may proceed to survey the route for the road, and to make or cause to be made an estimate of its cost of construction—however, no conclusive and binding location of the road shall be made by the Commissioners, but the same shall be left to the determination of the first Board of Directors,

chosen by the Stockholders; *Provided*, that said Board of Directors shall be required to locate said road by way of Sevierville, as heretofore specified, and the said Board of Commissioners may, by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the number of ten thousand shares shall have been subscribed, upon which the Company may be formed, and the subscribers shall thenceforth form a body politic and corporate as aforesaid: *Provided*, that the same shall be done against the first day of January, 1860, or sooner if practicable; and for the residue of the said original number of fifty thousand shares, the said corporation, when organized, may in like manner receive additional subscriptions.

SEC. 6. *Be it enacted*, That in case more than fifty thousand shares shall have been subscribed on closing the books, when they are first opened, the shares may be reduced to that number by deducting the surplus shares from the highest subscribers, placing them on an equality of numbers, as far as can be done; and after such reduction, the holders of the remaining shares shall form the Company and be interested therein in proportion to the number of shares which they may then respectively hold.

SEC. 7. *Be it enacted*, That if on closing the books on the first day of January, 1860, or at any time sooner, if desired by the Board, the number of twenty thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said Board of Commissioners, after defraying the expenses of opening the books and making a survey and map of the route, and estimate of the cost of the road, which the Commissioners are hereby authorized to have made as soon as possible; and the affairs of said Company shall be managed by a Board of Directors to consist of eleven, who shall be chosen by the Stockholders from their own body, and a President of the Company shall be elected by the Directors from among their own members, in such a manner as the regulations of the Company may prescribe.

SEC. 8. *Be it enacted*, That as soon as the number of twenty thousand shares shall have been subscribed, it shall be the duty of the Commissioners appointed to declare the same, and to appoint a time for the Stockholders to meet in Knoxville or Sevierville and give notice thereof in some newspaper of Knoxville or Dan-  
drige, at which time and place the said Stockholders,

**Elections.** either in person or by proxy, shall proceed to elect the Directors of the Company, and to enact all such regulations, rules and by-laws as may be necessary for the management of the corporation and the transaction of business. The persons elected Directors at this meeting shall serve for such period not exceeding one year as the Stockholders may direct, and at this meeting the Stockholders shall fix on the day and place or places where the subsequent election of Directors shall be held, and such elections shall thenceforth be annually made; but if the day of annual election should pass without any election of Directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by a by-law of the corporation.

**Vacancies.** SEC. 9. *Be it enacted*, That the Board of Directors may fill up vacancies which may occur in it during the period for which their Board shall have been elected, and in the absence of the President, may fill his place by electing a President *pro tempore*.

SEC. 10. *Be it enacted*, That all accounts and agreements authenticated by the President of the Board shall be binding on the Company, without seal, or such other mode of authentication may be used as the Company by their by-laws may adopt.

**Liabilities.** SEC. 11. *Be it enacted*, That the Board of Directors shall not exceed in their contracts the amount of the capital of the corporation and of the funds which the Company may have borrowed and placed at the disposal of the Board, and in case they should do so, the President and Directors who may be present at the meeting at which such contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation: *Provided*, that any one may discharge himself from such liability by voting against such contracts and causing such vote to be recorded on the minutes of the Board, and giving notice thereof to the next general meeting of the Stockholders.

**Rates of freight, &c.** SEC. 12. *Be it enacted*, That the said Company shall have the exclusive right of transportation or conveyance of persons, goods, produce, and merchandize over the said railroad, by them to be constructed: *Provided*, that the charge for transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for the whole distance of the road; and five cents a mile for every passenger: *And provided, also*,

that the said Company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

SEC. 13. *Be it enacted*, That the Board of Directors may call for the payment of twenty-four and three-quarter dollars on each share of stock, in sums not exceeding two dollars in every forty days; *provided*, that twenty days' notice be given of such call, at least in one newspaper at Knoxville, and in one paper in the State in which any of the Stockholders may reside; and a failure to pay, or secure to be paid, according to the rules of the Company, any of the installments so called as aforesaid, shall induce a forfeiture of the shares on which default shall be made, and all payments thereon, and the same shall vest in and belong to the Company, and may be restored to the owners by the Board of Directors, if they deem proper, on the payment of all arrearages on such shares, and legal interest thereon, or the Directors may waive the forfeiture after forty days' default, and sue the Stockholders for the installments due, at their discretion; and the stock of said Company may be transferred in such manner and form as may be directed by the by-laws of the said corporation.

Calls of stock.

SEC. 14. *Be it enacted*, That the said Company may at any time increase its capital stock to a sum sufficient to complete the said road, and to stock it with every thing necessary to give it a full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the Company, and on the mortgage of its charter and work; and the manner in which the same shall be done in either case, shall be prescribed by the Stockholders at a general meeting; and any State, or any citizen, corporation, or Company of this or any other State or country, may subscribe for and hold stock in said Company, with all the rights, and subject to all the liabilities of any other Stockholder.

Increase of capital.

SEC. 15. *Be it enacted*, That the Board of Directors shall once in every year, at least, make a full report on the state of the Company and its affairs, to a general meeting of the Stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the Stockholders, when the Board may deem it expedient.

Annual reports.

SEC. 16. *Be it enacted*; That no person but a citizen of the United States, and being a *bona fide* stockholder, in his own right, of at least forty shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be a President or Di-

Eligibility for President and Directors.

rector of the Company; nor shall a stockholder vote in person or by proxy, at any general or other election, (except the first,) who shall not have held in his own right the shares on which he offers to vote, at least three months previous to such election.

**SEC. 17.** *Be it enacted,* That Stockholders may vote in person, or by proxy; and, in the election of Directors, and in voting on all questions which come before a meeting of the Stockholders in any manner, the vote shall be taken as follows, viz: The owner of one share shall be entitled to one vote, and for each and every share owned as hereinbefore specified, one other vote: *Provided,* that no individual, corporation, or company, shall be entitled to more than five hundred votes.

**SEC. 18.** *Be it enacted,* That the said Company may purchase, have, and hold in fee, or for a term of years, any lands; tenements, or hereditaments, which may be necessary for said road, or appurtenances thereof, or for the erection of depositories, store-houses, houses for the offices, servants, or agents of the Company, or for workshops or foundries, to be used for the said Company, or for procuring timber, stones, or other materials necessary for the construction or repair of the road, or its appurtenances, or for effecting transportation thereon.

**SEC. 19.** *Be it enacted,* That said Company shall have the right, when necessary, to construct said road or any branch thereof, across or along any public road or water-course: *Provided,* that the said road, and the navigation of such water-course, shall not thereby be obstructed: *And provided further,* that said railroad shall not be located so near any turnpike-road as to injure the same or Stockholders, except upon such conditions as may be agreed upon by the President and Directors of the same.

**SEC. 20.** *Be it enacted,* That the said Company may purchase or construct any bridge over which it may be necessary to carry such railroad, and when such purchase or construction is made, to hold the said bridge on the same conditions and terms, and all the rights which belong to the individuals or corporation from which said purchase was made: *Provided,* that the Company shall not obstruct any public road without constructing another as convenient as may be.

**SEC. 21.** *Be it enacted,* That when any lands or right of way may be required by the said Company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owners, the same may be taken at a valuation to be made by

five Commissioners or a majority of them; to be appointed by the Circuit Court of the County where some part of the land or right of way is situated; and the said Commissioners before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties assigned them. In making the said valuation, the Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken, or the right of way surrendered; and also, the benefit he, she, or they, may receive by the erection of said railroad and works; and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of the said Commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the Commissioners to the court from which the Commission issued, there to remain of record. Where any timber, rock, or other material may be required by said Company for the construction and maintenance of their road, they may have the right to condemn one hundred feet each way from the centre of the road for that purpose; damages for the same to be ascertained and estimated as other damages in this section. In case either party to the above proceeding shall appeal from the valuation to the next session of the court which granted the Commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation by a jury, who shall be charged therewith in the same term; or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands or right of way, or timber or other material, so valued by the Commissioners or jury, shall vest in the said Company in fee simple, so soon as the valuation may be paid, or when refused may be tendered. Where there may be an appeal as aforesaid from the valuation of the Commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding. But where the appeal is by the Company, requiring the surrender, they shall be at liberty to proceed in their works only on the condition of giving to the opposite party, a bond with good security, to be approved by the Clerk of the Court when the valuation is returned, in a penalty equal to double the said valuation, conditioned for the said valuation and interest, in case



the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court: *Provided*, that when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess the value as aforesaid, nor shall any injunction or *superseas*, be awarded by any Judge or court to delay the progress of said work.

**Right of way.** SEC. 22. *Be it enacted*, That in the absence of any contract with the said Company, in relation to the lands through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the Company by the owner thereof; and the said Company shall have good right and title thereto, and shall have, hold, and enjoy the same as long as the same be used only for the purposes of said road, and no longer, unless the persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her, or them, shall apply for an assessment for the value of the said land, as hereinbefore directed, within five years next after that part of said road was finished. And in case the said owners, or those claiming under them, shall not apply for such assessment within five years next after the said part was finished, they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, that nothing herein contained shall affect the rights of *femes covert*, or infants, until two years after the removal of their respective disabilities. And if any person shall intrude upon said road or any part thereof, by any manner of use thereof, or the rights and privileges connected therewith, without the permission, or contrary to the will of said Company, they shall forthwith forfeit to the said Company, all the vehicles that may be so intruded on said road; and the same may be recovered by suit at law; and the persons so intruding may also be indicted for misdemeanor, and on conviction, fined and imprisoned by any court of competent jurisdiction.

SEC. 23. *Be it enacted*, That if any person shall wilfully and maliciously destroy, or in any manner hurt, damage, or obstruct the said road, or any bridge or vehicle used for or in the transportation thereon, such



person or persons shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine of not less than twenty dollars, and shall be further liable to pay all expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent, or servant of the owner of said land, when such destruction, damage, or obstruction was done or caused, at the time the same was caused or done. And every obstruction to the free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by an officer, agent, or servant of the Company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Obstructions—  
Penalties.

SEC. 24. *Be it enacted*, That the said Company shall have the right to take, at the store-houses they may establish and annex to their railroad, all goods, wares, merchandise, and all produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rules, may establish, (which they shall publish,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, that the said Company shall not charge or receive storage on goods, wares, merchandise, or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power immediately to transport.

Freight and  
storage.

SEC. 25. *Be it enacted*, That the profits of the Company, or so much thereof as the Board of Directors may deem advisable, when the affairs of the Company will permit, shall be semi-annually divided among the stockholders in proportion to the stock each may hold; and the said Company is hereby expressly prohibited from carrying on any banking operations; but may take or effect insurance of lives and property transported on said road.

Dividends.

Insurance.

SEC. 26. *Be it enacted*, That whenever, in the construction of said railroad, it shall be necessary to intersect any established road, or way, it shall be the duty of the Company to construct said road across such established road or way, so as not to impede the passage of persons or property along the same; or when it may be necessary to pass through the land of any individual, it shall be the duty of the Company to provide for such

Crossing road

individual a proper wagon way or ways across said road from one part of his farm to another.

**Powers.** SEC. 27. *Be it enacted*, That the said Company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work; and said Company shall be, and they are hereby, vested with all the rights, powers and privileges, and subject to all the restrictions and liabilities of the Nashville and Louisville Railroad Company, except as otherwise provided for in this charter. This charter, however, shall be amendable from time to time, by the Legislature, whenever the President and Directors shall unanimously petition for amendments; and when such amendments shall be adopted by the Legislature, and submitted to the Directory, and be acceptable and adopted unanimously by the President and Directors, they shall be obligatory on the stockholders, and not otherwise.

**Officers exempt from public duties.** SEC. 28. *Be it enacted*, That the President, Directors, clerks, agents, officers and servants, of said Company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries and working public roads. The Company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for keeping the same in repair.

**Exempt from taxation.** SEC. 29. *Be it enacted*, That if by decree or otherwise the said corporation shall be dissolved, the President and Directors of the Company are created Trustees, with such powers only as may be necessary to collect the debts due the Company, preserve the property, pay the debts, and distribute the property and effects to those who may be entitled thereto under the charter; and the capital stock of said Company shall forever be exempt from taxation; and the road with all its fixtures and appurtenances, including workshops, warehouses, and vehicles of transportation, except slaves, shall be exempt from taxation for the period of twenty years from the completion of said railroad, and no longer.

**Time to build.** SEC. 30. *Be it enacted*, That the railroad authorized by this act, shall be commenced within two years after the passage of this act, and shall be finished within six years thereafter; otherwise the charter granted hereby, shall be void.

SEC. 31. *Be it enacted*, That this Company may not only remain an independent and separate Company

from all others, if the Directory so chooses, but also may and has full power and liberty to unite with any other railroad or railroads, and to amalgamate with any other Company or Companies in this or any other State, so as to make but one railroad and one single Company under one President and Board of Directors, and to transfer all the powers, rights, and privileges, herein conferred on them by this charter.

May remain  
separate or a  
amalgamate.

Sec. 32. *Be it enacted*, That said Company be, and they are hereby, authorized to borrow, or the credit of said Company, a sum of money not exceeding one million of dollars, and may issue the bonds of said Company for the amount borrowed, payable at such times, and bearing such rate of interest as said Company may determine, and shall have full power to secure the payment of said bonds by a mortgage or deed of trust on the road, property and franchise of said Company: *Provided*, that nothing herein contained shall be so construed as to effect or impair the lien which the State may have on the road, property, or stock of said Company, by any act of the Legislature of this State.

May borrow  
money and issue  
bonds.

Sec. 33. *Be it enacted*, That said Company shall have the power to unite with any Company chartered, or that may be chartered by the Legislature of this State, and particularly to unite their road with the Cincinnati, Cumberland Gap and Charleston Railroad, at any point they may deem best; and that said Company shall have the power to unite with any company that has been or may be chartered by the Legislature of North Carolina, for the construction of a railroad from the seaboard to the boundary of the State of Tennessee, and to unite with said road at the State line as aforesaid, or to unite with some other road running to said State line as aforesaid; and to consolidate said railroads and the stock of said Company, in such manner and upon such term as said Company may deem best.

May unite with  
other roads.

Sec. 34. *Be it enacted*, That any individual or individuals, company or body corporate, with the permission of the Legislature of this State, may hereafter construct branches to unite with said Knoxville, Sevierville and Paint Rock Railroad; and it shall be the duty of said Company when required, to receive on their road the full loaded freight cars from such branches, and transport the same towards their destination, and to return them without changing the loads thereof, or charging for the transportation of the goods, wares, merchandise, and produce therein, any greater rate of freight, than they charge for similar goods, wares, merchandise, and produce in their own cars: *Provided*, that

Branches may  
be built.

said Company shall not be compelled to receive such cars on their road unless constructed in the same manner and are of equal strength with their own cars, of which the Engineer of the road shall be the judge; *and provided*, that the Company shall be compelled to receive such cars on their road from any branches, without receiving payment for at least twenty miles transportation.

*No State aid.* SEC. 35. *Be it further enacted*, That nothing in this act shall be so construed as to give State aid to the said Knoxville, Sevierville and Paint Rock Railroad Company.

*Mineral Railroad.* SEC. 36. *Be it further enacted*, That all laws that may have been passed at this session of the Legislature, granting State aid to the Mineral Railroad, are hereby repealed.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 217.

**AN ACT to amend the charter of the Knoxville and Kentucky Railroad Company, and for other purposes.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Knoxville and Kentucky Railroad Company, now organized and in existence, shall have and possess the following rights and privileges, and be governed by the following rules and regulations.

*Rights.* SEC. 2. *Be it enacted*, That said Company shall have the right to build a railroad with one or more tracks, from Knoxville to the line of the State of Kentucky, in the direction of Louisville, Kentucky, and Cincinnati, Ohio, or either of them.

*Capital stock.* SEC. 3. *Be it enacted*, That the capital stock of said Company shall not exceed three millions of dollars, and the shares of said capital stock shall be one hundred dollars each.

**Sec. 4.** *Be it enacted,* That said Company shall begin the construction of said road within two years from the first day of June, one thousand eight hundred and fifty five, and complete the main road from Knoxville to the Kentucky line in five years from and after the passage of this act.

**Sec. 5.** *Be it enacted,* That said Company shall have succession of members for ninety-nine years; may have a common seal; may sue and be sued, plead and be impleaded, in any court of law or equity, and may make **Powers** all such regulations, rules, and by-laws as are necessary for the government of the corporation, or for effecting the objects for which it is created; *provided,* that such regulations, rules, and by-laws shall not be repugnant to the constitution of this State, or the United States; *provided,* that notice or service of process upon the principal ostensible officer or agent of the Company shall be deemed and taken to be due and lawful notice or service of process upon the Company, so as to bring it before the court..

**Sec. 6.** *Be it enacted,* That the affairs of said Company shall be managed and directed by a board, to consist of seven Directors, to be elected by the Stockholders. **Directors.**

**Sec. 7.** *Be it enacted,* That the President of the Company shall be elected by the Directors, from among their own members, in such manner as the regulations of the corporation may prescribe. **President.**

**Sec. 8.** *Be it enacted,* That the Board of Directors may fill all vacancies which may occur in it during the period for which the Board may have been elected, and in the absence of the President, may fill his place by electing one of their own body a President *pro tempore*. **Vacancies.**

**Sec. 9.** *Be it enacted;* That all contracts and agreements authenticated by the President of the Board, shall be binding on the Company without seal, or such other mode of authentication may be used as the Company by their by-laws may adopt. **Authentication.**

**Sec. 10.** *Be it enacted,* That the Board of Directors shall not exceed in their contracts the amount of the capital of the corporation, and the funds which the Company may have borrowed and placed at the disposal of the Board; and in case they should do so, the President and Directors who may be present, and making such contract, or contracts, so exceeding the amount aforesaid, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation: *Provided,* that any one may discharge himself from such liabilities by voting against such contract or contracts, and causing such vote to be recorded on the **Contracts not**

minutes of the Board, and giving notice thereof to the next general meeting of the Stockholders.

Right to trans-  
port—rates.

SEC. 11. *Be it enacted*, That said Company shall have the exclusive right of transportation or conveyance of persons, goods, wares, merchandize, and produce, over the said railroad and its branches, by them to be constructed: *Provided*, that the charge for transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger: *And provided, also*, that the said Company may, when they see fit, farm out their rights of transportation on the said road, or any of its branches, subject to the rates above mentioned.

Common carriers

SEC. 12. *Be it enacted*, That the said Company, and every person who may have received from them the right of transportation of goods, wares, merchandize, and produce, shall be deemed and taken to be common carriers, as respects all goods, wares, merchandize, and produce entrusted to them for transportation.

Calls of stock.

SEC. 13. *Be it enacted*, That the Board of Directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars, in every sixty days, except after eighty dollars have been paid on each share—the remaining twenty dollars may be called for in two instalments, which shall be at least sixty days apart, or the payments may be called for in smaller sums, and at more distant periods. The call for each instalment shall be advertised in one or more newspapers in Knoxville, and at such other places as may be directed by the rules of the Company, at least one month before the time the same is to be paid, according to the rules of the Company: any of the instalments so called for as aforesaid, shall induce a forfeiture of the share or shares, on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the Company; and may be restored to the owners by the Board of Directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon, or the Directors may sue the stockholders for their instalments due, at their discretion.

Penalty for non-  
payment.

Transfer of stock

SEC. 14. *Be it enacted*, That the stock in said Company may be transferred in such manner and form as may be directed by the by-laws of the Company.

Increase of stock

SEC. 15. *Be it enacted*, That the said Company may at any time increase the capital of said Company to a sum sufficient to complete the said road or its branches, and stock it with every thing necessary to give it opera-



tion and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the Company, on the mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the Board of Directors.

SEC. 16. *Be it enacted*, That the Board shall once in every year at least, make a full report on the state of the Company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law; and shall have power to call a general meeting of the stockholders, when the Board may deem it expedient, and the Company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof; and the Company may provide, by a by-law, for the votes of stockholders or directors being taken at more than one place, as also, for taking their votes on any question relative to the repeal, alteration, or amendment of, or addition to, any of the rules, regulations, or by-laws of the Company, proposed by the general Board of Directors.

Annual reports.

SEC. 17. *Be it enacted*, That no person but a citizen of the United States, and being a *bona fide* stockholder, in his own right, of at least five shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be President, or a Director of the general board; nor shall any stockholder vote, in person or by proxy, at any general or other election, (except the first,) who shall not have held in his own right the share on which he offers to vote, at least three months previous to such election.

Eligibility for Directors.

SEC. 18. *Be it enacted*, That the stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

Quorum.

SEC. 19. *Be it enacted*, That no member of the Board of Directors or officers, or agents, or servant of the Company, shall be directly, or indirectly, interested in any contract for work; nor shall any Director vote on the passing of any bill for materials, in which he is directly or indirectly concerned; nor shall any director, officer, agent, or servant of said Company, be interested directly or indirectly in the purchase of lands, buildings, or other property immediately on the line of said road, or any of the branches thereof, without first having offered to the Board of Directors, in writing, the right of pre-emption, to all, or any part of such lands, buildings, or other property, which said Board may think proper to

Directors not to be interested in contracts.



purchase for the use of the Company; and every director, agent, officer, or servant, violating this provision, may be removed from the board, his office, or employment, by a vote of the directors; and every purchase made in violation of this section, shall inure to the benefit of the Company, if the Board of Directors choose to avail themselves thereof.

**Proxies.** SEC. 20. *Be it enacted*, That any stockholder in the company may vote by proxy, who must be a resident citizen of the United States, and before he votes, he may be required by a stockholder to swear, that to his belief the stock *bona fide* belongs to the person whom he represents; before any stockholder votes in his own right, or for any estate, he may be required by any stockholder to swear that he is the *bona fide* owner of said stock in his own right, or as the legal representative of the testator or intestate whom he represents, and that no person but himself or the estate is directly or indirectly interested therein to his belief; any State holding stock may vote by such person as the Legislature or Governor may appoint, or as may be appointed in any other way pursuant to the laws of the State made for that purpose.

**Scale of voting.** SEC. 21. *Be it enacted*, That in voting in the election of Directors, and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale: The owner of one or two shares shall be entitled to one vote; the owner of not less than three and not more than four shares shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor to one vote: *Provided*, that no individual, corporation, or State, holding stock in said Company, shall be entitled to more than two hundred votes, and one vote for every fifty shares over three thousand shares. Any person being a sub-

scriber, or stockholder, who may offer to vote as proxy, may be required by any subscriber or stockholder to swear that he has no interest, directly, or indirectly, in the stock on which he offers to vote as proxy: a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que* trust holds other shares, either in his own name, or in the name of another trustee, but the *cestui que* trust may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

SEC. 22. *Be it enacted*, That the said Company may purchase, have, and hold in fee, or for a term of years, any lands, tenements, or hereditaments, which may be necessary for the said road, or any branch or appurtenance thereof, or for the erection of depositories, store-houses, houses for the officers, servants, or agents of the Company, or for workshops, or for foundries, to be used for the said Company, or for procuring timber, stone, or other materials necessary to the construction of the road, its branches or apparatus, or for effecting transportation thereon, and for no other purpose whatever.

May hold real estate.

SEC. 23. *Be it enacted*, That the said Company shall have the right, when necessary, to conduct the said railroad or any branch thereof, across or along any public road or water-course; *provided*, that the said road, and the navigation of such water-course, shall not be thereby obstructed.

May run across highways, &c.

SEC. 24. *Be it enacted*, That the said Company may purchase, have, and hold, any bridge or turnpike-road, over which it may be necessary to carry the said railroad; and when such purchase is made, to hold the said bridge or turnpike-road, on the same terms, and with all the rights which belong to the individual or individuals, or corporation, from which such purchase may be made; *provided*, that the said Company shall not obstruct any public road without constructing another as convenient as may be.

May hold bridges & roads.

SEC. 25. *Be it enacted*, That where any lands or right of way may be required by the said Company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the Circuit Court of the County, where some part of the land or right of way is situated; and the said commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duty assigned them.

Right of way.

In making the said valuation, the commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land being taken, or the right of way surrendered; and also the benefit and advantage he, she, or they may receive from the erection or establishment of the railroad or works, and shall state particularly, the nature and amount of each, and excess of loss and damage over and above the benefits and advantage; shall form the measure of damage or valuation of the said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the land or right of way, shall be returned under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record: in case either party to the proceedings shall appeal from the said valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made, by a jury who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the parties shall have the right of appeal to the Supreme Court or Court of Appeals; the party appealing shall be governed in all respects by the laws regulating appeals; and the lands or right of way so valued by the commissioners or jury, shall vest in the said Company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered; when there shall be an appeal as aforesaid from the valuation of the commissioners, by either of the parties, the same shall not prevent the work intended to be constructed, from proceeding; but, where the appeal is made by the Company, requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving the opposite party a bond, with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court.

SEC. 26. *Be it enacted*, That in the absence of any contract or contracts with the said Company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof or by his agent, or any claimant in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land

upon which the road or any part of its branches, may be constructed together with a space of one hundred feet on each side of the centre of said road, has been granted to the Company by the owner or owners thereof, and the said Company shall have good right and title thereto, and shall have, hold and enjoy the same, to be used only for the purposes of said road and no longer, unless the person or persons owning the said land, at the time that part of the said road, which may be on the said land, was finally surveyed and located, or those claiming under him, her, or them, shall apply for an assessment of the value of said land as hereinbefore directed, within one year after that part of said road was finally surveyed and located, and he, she, or they notified in writing; and in case the said owner, or owners, or those claiming under him, her, or them, shall not apply for such assessment within one year, after the said part was finally surveyed and located, he, she, or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, that nothing herein contained shall affect the rights of *femes covert*, or infants, until two years after the removal of their respective disabilities.

Sec. 27. *Be it further enacted*, That all lands not heretofore granted to any person, not appropriated by law to the use of the State, within one hundred feet of the centre of said road, or its branches which may be constructed by the said company, shall vest in the company as soon as the line is definitely laid out through it, and any grant thereafter shall be void. To prevent intrusion.

Sec. 28. *Be it further enacted*, That if any person or persons shall intrude upon said railroad or any branch thereof, or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said Company, he, she, or they, shall forthwith forfeit to the said Company all the vehicles that may be so intruded on the said road, and the same may be recovered by suit at law, and the person or persons so intruding may also be indicted for a misdemeanor; and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Sec. 29. *Be it further enacted*, That if any person shall wilfully or maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct, the said railroad or any branch thereof, or any bridge or vehicle used for or

Obstructions—  
Penalties.

Freight and  
storage.

in the transportation thereof, such person or persons so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty, at the discretion of the court before which such conviction shall take place, and shall further be liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was owner or agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

SEC. 30. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on said road or its branches, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the Company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

SEC. 31. *Be it further enacted*, That the said Company may have the right to take at the store-houses they may establish on, or annex to their railroad or the branches thereof, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage, as they by rules may establish, which they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, that the said Company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the Company may have the power of transporting immediately.

Dividends. SEC. 32. *Be it further enacted*, That the profits of the Company, or so much thereof as the general board may deem advisable, shall, when the affairs of the Company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

Exempt from  
taxation.

SEC. 33. *Be it enacted*, That the capital stock in the said Company, the dividends thereon, and the road and fixtures, depots, workshops, warehouses, and vehicles of transportation, belonging to the said Company, shall be forever exempt from taxation; and it shall not be lawful for the State or any corporate or municipal police, or other authority thereof, or of any town, city

county, or district thereof, to impose any tax upon such stock or dividends, property or estate: *Provided*, the stock or dividends, when the said dividends shall exceed the legal interest of the State, may be subject to taxation by the State in common with and at the same rate as money at interest; but no tax shall be imposed so as to reduce the part of the dividends to be received by the stockholders, below the legal interest of the State.

SEC. 34. *Be it further enacted*, That the following officers and persons in the actual service of the said Company, be, and they are hereby, exempt from the the performance of jury and ordinary militia duty, viz: The President of the Board of Directors, the Chief and Assistant Engineers, the Secretaries, auditors and accountants of the Board, keepers of the depositories, guards stationed on the road to protect it from injury, not exceeding one man to every five miles, and such persons as may be working the locomotive engines, and traveling with cars for the purpose of attending to transportation of goods or passengers on the road, not exceeding one engineer and his assistant, and the necessary firemen to each locomotive engine, and one person to each passenger car, and every five cars for transporting goods, &c.

Officers exempt from public duties.

SEC. 35. *Be it further enacted*, That the said Company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property, except on goods transported on said railroad or its branches, or in the Company's custody, for or in consequence of such transportation.

No banking privilege.

SEC. 36. *Be it further enacted*, That any individual or individuals, bodies corporate or States, may construct branches to unite with the main road from Knoxville to the Kentucky line, or any branch thereof, with the permission of the Legislature, and by and with the written assent of the President and Directors of said railroad Company; and it shall be the duty of the said Company when required, to receive on their road and its branches, the fully loaded freight cars from such branches so to be united with them, and to transport the same to their point of destination, and to return them if required, without charging the loads thereon, or charging for the transportation of the goods, wares, merchandise, and produce thereon, any greater rate of freight than they charge for similar goods, wares, merchandise, and produce, in their own cars: *Provided*, that the Company shall not be compelled to receive any such cars on their road or branches, unless they are constructed in the same manner and of equal strength with their own cars,

Branches.



of which the engineers of that section of the main road shall be the judge; *and provided*, that the Company shall not be compelled to receive any car from such branches, without receiving payment for at least twenty miles transportation: *and provided, also*, that the said Company shall be entitled, in all respects, to similar and equal privileges, on any branches constructed to unite with their road or branches subject to the same restraints.

Temporary terminus.

SEC. 37. *Be it further enacted*, That until such time as a railroad shall be completed from the direction of Louisville, Kentucky, or Cincinnati, Ohio, to the southern boundary of Kentucky in the direction of Knoxville, to connect with the Knoxville and Kentucky Railroad, said Knoxville and Kentucky Railroad Company may terminate their road at the eastern base of the Cumberland Mountains, but shall complete the whole line of their road to form a connection with such road as may be made to the western base of the mountains, within one year after the same shall be completed.

May consolidate

SEC. 38. *Be it further enacted*, That to construct, and on completion of their road to the eastern base of the Cumberland Mountains, said Company shall be entitled to all the benefits, rights, and privileges conferred by this charter, and heretofore conferred upon it by any law of the State; but shall not be exempt from the obligation to complete the whole line of the road to the Kentucky line, according to the terms of the foregoing section, and to make said connection complete, said Knoxville and Kentucky Railroad Company may have the privilege of consolidating their road with Union Railway of Kentucky or any other railroad or roads in Kentucky leading in the direction of Louisville and Cincinnati.

Officers, agents, &c.

SEC. 39. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, agents, engineers, and servants whatsoever, as they may deem necessary for the transaction of the business of the Company, and may remove any of them at their pleasure; that they or a majority of them shall have power to fix and determine by contract the compensation of all the engineers, officers, agents, servants, and others, in the employment of the said Company, and to regulate by their by-laws, the manner of adjusting and settling all accounts in favor or against the Company; that they or a majority of them, shall have power to erect buildings and depots, for the storage and safe keeping of articles entrusted to or with them for transportation, and for workshops, offices, and other



purposes, necessary for the business or for the safe keeping of the locomotives, cars, and other property of the Company; and they or a majority of them, shall have power to direct the manner and by what evidence the stock of said Company may be transferred.

SEC. 40. *Be it further enacted*, That the President and Directors, or a majority of them, shall have power to cause such examinations and surveys to be made for the route of such railroad and branches, as may be necessary to the selection by them of the most advantageous line, route, course, or way for said railroad, and shall as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

Preliminary survey.

SEC. 41. *Be it further enacted*, That said corporation shall have power and authority, to borrow not exceeding two million of dollars, at an interest not exceeding seven per cent, per annum, and to pledge and mortgage the road or any other property, or any part thereof, belonging to the Company, to secure the payment of the money so borrowed, and may issue bonds or certificates of stock therefor, but no bond, certificate of stock or notes shall be issued to circulate as bank notes.

May borrow money and issue bonds.

SEC. 42. *Be it further enacted*, That the Central Southern Railroad Company shall have the power with the consent of the stockholders, and their charter is hereby so amended as to allow said Company to commence their railroad at or near Shelbyville, in Bedford County, so as to connect with the Nashville and Chattanooga Railroad; and the same rights, powers and privileges, granted to said Company to connect with the Tennessee and Alabama Railroad Company, at Columbia, in Maury County, be given to said Central Southern Railroad Company to enable said Company to connect their road with the Nashville and Chattanooga Railroad, at or near Shelbyville, in Bedford County, in this State: *Provided*, that this act shall not be so construed as to grant additional State aid.

Central Southern R. R. Company may commence at Shelbyville.

SEC. 43. *Be it further enacted*, That so much of the acts of 1851-2, and 1853-4, chartering the Tennessee and Charleston Railroad Company, as appoints Commissioners for said Company, be, and the same is hereby, repealed, and that Samuel F. Tracy, Henry W. Barnes, Henry L. Pierson, David C. Murray, Thomas H. Calloway, John C. Gant, Thomas J. Campbell, Thomas Crutchfield, and James A. Whiteside, be, and they are hereby, appointed Commissioners, who, or a majority of whom shall have, and exercise all the rights, powers, and privileges possessed by the former Board of

Tennessee and Charleston R. R. Co.—new Commissioners appointed.

**Commissioners.** It shall be lawful for said Company to terminate their road at or near the Copper Mines in Polk County, and they shall be under no obligation to construct the same to the State line.

Lookout R. R.  
Co. amended.

**Sec. 44.** *Be it further enacted,* That the provisions of an act passed January 24, 1846, entitled "An act to amend an act to incorporate the Lookout Railroad Company, passed October 30, 1837," be so amended—Albert G. Welcker, and Alfred D. Taylor, be appointed Commissioners of said Company instead of Benjamin R. Montgomery and Samuel Martin, both deceased; and that said Company may organize under the charter when the sum of fifty thousand dollars of the capital stock may be subscribed, and shall have the privilege of constructing their road from any point on the railroad from Cleveland to Chattanooga, to an intersection with the Western and Atlantic Railroad or any other railroad of Georgia, at or near the State line; *and further,* that said Company may transfer their stock and charter to, and consolidate with, any other chartered railroad company. The charter of said Company is hereby revived, and the further time of six years is given them to build their road as herein authorized: *Provided,* that no State aid, shall be given to said Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 218.

**AN ACT** to authorize the construction of a Railroad from the town of Shelbyville to the line of the State of Alabama, by the way of Lewisburg, in the County of Marshall, and Pulaski, in the County of Giles, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That a body politic and corporate is hereby constituted by the name and style of the Duck and Elk River Valley Railroad, from Shelbyville, in the

County of Bedford, to the line of the State of Alabama, by the way of Lewisburg and Pulaski. Said company shall have all the rights, powers and privileges, and be subject to all the liabilities and restrictions conferred and imposed in the charter of the Nashville and Chattanooga Railroad Company and the several acts amendatory thereto, except as hereinafter provided. Rights and privileges

Sec. 2. *Be it enacted*, That the capitol stock of said company shall be two hundred and sixty thousand dollars, which may be increased or reduced to an amount sufficient to construct said road, which stock shall be divided into shares of one hundred dollars each. Capital stock.

Sec. 3. *Be it enacted*, That Thomas Martin, John C. Brown, John A. Jackson, Edward R. Fields, Thomas Buford, Thomas K. Gordon, S. B. Marsh, Zenas Baird, and William Harris, of the County of Giles; and Rob't Williams, W. L. McClelland, J. B. Fulton, G. W. McBride, Henry Martin L. D. Stockton, Levi Cochran, Samuel Ewing, John R. Hill, W. F. Stone, D. C. Orr, B. F. Houston, John R. Jones, Ephraim Hunter, T. C. H. Miller, John F. McLelland, David Yancy, Asa Holland, Joseph Morris, Thomas H. Hardin, James V. Ewing, G. B. Black, James A. Yowell and W. F. McGregor, of the County of Marshall, are hereby created a Board of Commissioners to manage the affairs of said Company until it shall be fully organized by the election of a Board of Directors; said Commissioners, or any seven of them shall have full power and authority to act; said Commissioners are hereby authorised to open books for stock in said Company, at such time and places as they may deem advisable, after giving due notice at least ten days of said meetings, and so soon as one hundred and twenty thousand dollars of stock shall be taken in the Counties of Bedford and Marshall, said Commissioners shall call a meeting of the Stockholders in said Company at Lewisburg, giving at least ten days' notice in the several newspapers printed at Shelbyville and Pulaski, of said meeting, when said Company shall elect a Board of fifteen Directors, who shall be equally divided in said three Counties, and shall be Stockholders in said Company, who shall, out of their own number, elect a President and such other officers as they may deem advisable, and said Directors shall proceed to construct said Railroad from Shelbyville to Lewisburg and equip and use the same. Commissioners.

Sec. 4. *Be it further enacted*, That so soon as the further sum of one hundred and forty thousand dollars of stock shall be subscribed in said Company, said Directors shall construct said road to Pulaski, and as soon Open books, &c.

Continuation of road.

as they may deem advisable, continue the same to the Alabama line, and may form a connection with any other Railroad Company in the State of Alabama that they may deem advisable. The whole of said road, or so much thereof as said Directors may deem advisable, may be put under contract at the same time, and said Directors shall not be required to wait until said road is constructed to Lewisburg, but may construct the whole line, or such parts thereof as the interest of said Company may require.

May connect  
with Nashville  
and Chattanooga  
Railroad.

SEC. 5. *Be it further enacted*, That said Company shall have power to form a connection with the arm of the Nashville and Chattanooga Railroad at Shelbyville, or they may commence said road south of Duck River, at or near Shelbyville, and that said Company may construct their said road adjacent to, at or parallel with any Turnpike road.

Counties of  
Marshall and  
Giles may sub-  
scribe.

SEC. 6. *Be it further enacted*, That the respective County Courts of the Counties of Marshall and Giles, are hereby authorized and empowered to subscribe whatever amount of stock in said company as said Courts may deem advisable: *Provided*, that neither of said County Courts shall so take stock until the question of taking the same shall first have been submitted to the voters of their respective Counties, and a majority of the voters of the respective Counties shall have voted in favor of taking the proposed stock, which majority, or the amount of voters, shall be the number polled in the last Gubernatorial election.

County elec-  
tion for stock.

SEC. 7. *Be it further enacted*, That upon the application of any of the aforementioned Commissioners, it shall be the duty of the County Court of either of the above-named Counties to direct the Sheriff or Coroner of their said County to open and hold an election upon the proposition to take stock in said Railroad Company on such day as said Court or Courts shall order; the election shall be held at the usual places of holding elections in said Counties; said election shall be conducted in all things, and that the same powers and the same qualifications as elections are for the General Assembly, and those voting for said proposition shall have on their tickets the words "for stock," and those voting against the proposition shall have on their tickets the words "no stock"—said order may be made either at a quarterly or quorum Court, and that said Court or Courts, before making said order shall fully set forth, in their said order, the amount of stock to be subscribed by their respective Courts, and when the same shall be payable, which stock shall be divided into four annual payments.

SEC. 8. *Be it enacted*, That whenever a majority of the voters of either of the above named Counties shall have decided in favor of the proposition to take the proposed stock, it shall be the duty of the County Court of said County to make an order directing the Chairman of their said Courts to subscribe the proposed amount of stock in said Company in the name of said County.

County Court to make order.

SEC. 9. *Be it enacted*, That it shall be the duty of the County Court so subscribing stock at its first quarterly Court thereafter to lay and collect an annual tax on the property, privileges and polls in their respective Counties, in an amount sufficient to pay the amount of stock so subscribed. It shall be paid in four equal instalments.

Annual tax.

SEC. 10. *Be it further enacted*, That it shall be the duty of the County Court to take from the Sheriff or Revenue Collector a bond in double the amount of the annual tax so layed, which bond shall in all things be conditioned as the bonds of Revenue Collectors are now subject to, and said Sheriff or Revenue Collector shall have the same powers and be subject to the same duties and liabilities in the collection of said tax as he has in the existing laws in the collection of other County revenue, except that he shall only be entitled to two per cent. for collecting and paying over the same, and that he and his securities shall in all things be liable upon said bond to the same manner and extent as the bonds of Revenue Collectors now are, and recoverable in the same way; that said Sheriff or Revenue Collector shall pay over said tax by the first day of January in each and every year to the President of said Railroad Company.

Revenue Collector's Bond—funds and duties.

SEC. 11. *Be it further enacted*, That before said monies or any part thereof shall be paid over to the President of said road, he shall execute bonds with good and sufficient security in double the amount of said annual payment, conditioned as other revenue bonds; that he will faithfully pay over said monies as said Board of Directors shall direct, which bonds shall be payable to the State of Tennessee, for the use and benefit of said Company, and shall in all things be subject to the same liabilities as other revenue bonds are now subject to, and if the condition in said bond shall not be faithfully complied with, the same may be enforced and collected against said principal and his securities as other revenue bonds are provided for in this State from Revenue Collectors.

Liabilities of Rev. Collector

SEC. 12. *Be it further enacted*, That said Revenue Collector shall give to each individual a receipt for the amount of tax paid by said individual as Railroad tax, which certificate or receipt, after the completion of said

Tax receipts  
good for freight  
bills.

road shall be transferable, and whether in the hands of the tax payer or purchaser shall be received for freight or passage on said road as so much money, but said Company shall not be required to receive in any one year more than one fourth of said receipts for freight and passage, that is to say, the receipts thus given for said annual tax for first year, shall be received if presented to said Company within the first year after the completion of said road, so the second annual payment shall be taken by said Company as aforesaid, the second year after the completion of said road, and so on until the whole is taken in.

Representation  
of County in  
election of Di-  
rectors.

SEC. 13. *Be it further enacted*, That upon the day said respective County Courts shall assess the tax aforesaid, they shall elect some individual of their County to represent said County in the selection of Directors in said Company, which individual so elected shall have the power to give the vote for and in behalf of the said County for the number of shares by said County taken.

SEC. 14. *Be it enacted*, That either of said County Courts may order said election and take stock as afore provided, notwithstanding there may have been another election held in said County for a like purpose within a shorter time than six months before the election provided for in this Charter, and any law coming within the purview and meaning of this act is hereby repealed,

SEC. 15. *Be it enacted*, That this act shall not be construed to give State aid to, or endorse the Bonds of said Company.

Rutledge R. R.  
Company

SEC. 15. *Be it further enacted*, That a formation of a Company is hereby authorized for the purpose of constructing a Railroad from Decherd's Depot on the Nashville and Chattanooga Railroad in Franklin County, to McMinnville in Warren County, or to intersect the McMinnville and Manchester Railroad at any point between McMinnville and the town of Manchester that the Directors of the Company hereby incorporated may determine upon; which company shall consist of the Stockholders, and when formed shall, and they are hereby constituted a body politic, and corporate by the name and style of the Rutledge Railroad Company; and said Company by their corporate name shall have power to sue and be sued, plead and be impleaded, in all the Courts of this State, or the United States; and shall have and enjoy all the rights and privileges secured to the Winchester and Alabama Railroad, by an act of the General Assembly of the State of Tennessee, passed February 9th, 1850; and acts amendatory thereto, and subject to all the restrictions contained in said charter;



which road shall be built and constructed agreeable to the requirements of the aforesaid charter.

Sec. 17. *Be it enacted*, That the Capital Stock of said Company shall be twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, and books for subscription of stock in said railroad shall be opened on the first Monday of May, 1856, and kept open for two months every day except Sundays, from 10 o'clock, A. M., to 4 P. M., at the following places and by the following persons, to wit: at McMinnville, by L. D. Mercer, Alexander Black, and Jesse R. Edwards; at Davis' Store, A. B. Davis, M. Hoover, and John Cunningham; at Pelham, Arthur M. Rutledge, P. H. Price, Isaac Wilkerson, and Dr. James Priest; at Hillsboro, John Charles, Benjamin Hollins, George Miller, and B. F. Jenkins; and at Decherd's by Jno. March, Hu. Francis, W. E. Venable, and William Simmons.

Capital stock—  
opening of book

Sec. 18. *Be it further enacted*, That A. M. Rutledge, P. H. Price, Benjamin Hollins, George Miller, William Austill, Thomas L. Green, John Charles, Isaac M. Wilkerson, Dr. William Estill, John Oliver, John March, V. K. Stevenson, A. B. Davis, L. Willman, A. Northcut, S. M. Griswold, and L. D. Mercer, or a majority of them, be, and they are hereby constituted, a Board of Commissioners to Superintend and manage all the affairs of said Company, until it shall be fully organized by the election of a Board of Directors as prescribed by the Charter of the Winchester and Alabama Railroad Company: *Provided*, The Charter of the Rutledge Railroad shall not be in force until the Directors of the McMinnville and Manchester Road, and the South Western Railroad, or a majority of them, shall think it to the interest of said Company to build and complete the Rutledge Road, and said Rutledge Road shall connect with the McMinnville and Manchester Road at such points as may be determined by the Directors of said Road. *Provided further*, That said Rutledge Railroad shall not be entitled to State aid.

Commissioners.

Sec. 19. *Be it further enacted*, That the Counties of Monroe and McMinn shall have the same authority and power to issue bonds and have stock in railroad companies, and shall be subject to the same privileges and restrictions, as are granted to the counties of Lawrence, Maury, Williamson, Davidson, Jefferson, Green, Hawkins, Washington, Carter, Sullivan, Grainger, and Warren; by an act passed February 28th, 1852, entitled, an act to incorporate the Nashville, Franklin, and Columbia Railroad Company.

Monroe and  
McMinn may  
take stock in R.  
R. Company.

Sec. 20. *Be it further enacted*, That the said counties



County Bonds  
not to exceed  
\$50,000

of Monroe and McMinn shall not be authorized under the provisions of this act and the act which this is intended to amend, to issue County Bonds of more than fifty thousand dollars to the County.

Majority  
vote polled  
decide.

SEC. 21. *Be it further enacted*, That in taking and counting the vote polled of the said Counties of Monroe and McMinn, under the provision of this act and the act which it is intended to amend, that if a majority of the qualified votes actually polled shall be in favor of the proposition, it shall be considered carried, and the County Bonds shall be issued.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 219.

AN ACT to amend the charter of the Nashville and Cincinnati Railroad Company, and the acts amendatory thereto, and for other purposes.

May unite with  
the S. W. R. R.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Nashville and Cincinnati Railroad Company, and the acts amendatory thereto, be so amended that said Company may locate their road on the most direct and practicable route, so as to connect or unite with the South-western Railroad at some eligible point in the County of White or Putnam.

Same State aid.

SEC. 2. *Be it enacted*, That if said Nashville and Cincinnati Railroad Company shall locate their road on the route indicated in the first section of this act, then said Nashville and Cincinnati Railroad Company shall be entitled to receive the same amount of State aid per mile, from the city of Nashville to the junction with the South-western Road, to which said Nashville and Cincinnati Railroad Company are now entitled by law.

SEC. 3. *Be it enacted*, That the State aid heretofore

granted to the said Nashville and Cincinnati Railroad Company to build a bridge over the Cumberland River, may be expended by said Company on the route indicated in the first section of this act, in building bridges over Stone's River and the Caney Fork of Cumberland River.

Cumberland  
River Bridge act

SEC. 4. *Be it enacted*, That the first section shall not prevent said Company from locating said road as is pointed out in the existing charter and the former amendments thereto; and should said road be located through Sumner County, said Company shall have the right to unite at any point in this State, with the Louisville and Nashville Railroad, and amalgamate the two roads to the city of Nashville, upon such terms as may be agreed upon by the Companies: *Provided*, the State aid shall only be granted from the point of intersection to the Kentucky line, or to the point of intersection with the South-western Road.

May unite with  
L. and N. R. R.

SEC. 5. *Be it further enacted*, That whenever the Edgefield and Kentucky Railroad Company shall have prepared their road for the iron and rails, according to the provisions of the act of July 11, 1852, entitled "An act to establish a System of Internal Improvements in this State," and the act amendatory thereof, from Edgefield to the foot of the ridge which they propose to tunnel, (about fifteen miles from Edgefield,) and have, also, in like manner completed a sufficient number of consecutive miles on the north side of said ridge to make, with the distance completed on the south side of said ridge, thirty miles ready for the iron rails, then said Company shall be entitled to all the privileges of said act of February 11, 1852, and the acts amendatory thereof.

Edgefield and  
Kentucky R. R.  
Co — Charter a-  
mended.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 220.

AN ACT to amend the charter of the Atlantic, Tennessee and Ohio Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Atlantic, Tennessee and Ohio Railroad Company, so soon as they may have thirty miles of their road graded and ready for the railing, and stock sufficient for the whole road, they shall be entitled to and receive the same aid from the State, that other railroads are entitled to under the provisions of the act passed February 8th, 1854, to amend an act passed February 11, 1852, "An act establishing a System of Internal Improvements in this State," and shall be subject to the same restrictions and liabilities.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 221.

AN ACT to amend an act to authorize the extension of the Memphis and Charleston Railroad, and for other purposes, passed February 23, 1854, chapter 311.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, should the Memphis and Charleston Railroad Company deem it practicable to change the line of their road from Stevenson to Chattanooga from the present surveyed route, and thus diminish the length of said road, by constructing a tunnel through Walden's Ridge, said Railroad Company shall be entitled to the aid of the State for the entire length of the present surveyed route, forty-nine miles, at the rate of ten thousand dollars per mile—the amount of the State aid allowed for the diminished distance to be applied to the construction of said tunnel.

SEC. 2. *Be it further enacted*, That said Company shall file, in the office of the Secretary of State, a map of the location of said road, exhibiting the two routes, and the diminished distance of the one upon which said tunnel is intended to be constructed; and whenever

said Company shall have completed one fourth of said tunnel, to be evidenced by the affidavit of the Engineer in charge of the work, the Governor of the State shall issue coupon bonds of the State for one fourth the diminished distance of said route, at the rate of ten thousand dollars per mile; and whenever a like proportion is completed, the Governor shall issue coupon bonds of the State for another fourth of the distance of the diminished route, and in like proportion until the same is completed, when the remainder of the whole amount of the aid for the diminished distance shall be paid over.

SEC. 3. *Be it further enacted*, That said Railroad Company shall be entitled to all the rights, powers, privileges, and franchises, and be subject to the same restrictions and liens heretofore conferred on said Memphis and Charleston Railroad Company: *Provided*, this amendment shall not be so construed as to affect or repeal that portion of the law which gives State aid for the building a bridge across the Tennessee River. Powers, &c.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 16, 1856.

## CHAPTER 222.

AN ACT for the benefit of the Tennessee Western and Charleston Railroad Company, and for other purposes.

Whereas, The Tennessee, Western and Charleston Railroad Company have obtained the full amount of stock necessary to grade and bridge said road, and have made a permanent location of the same: And whereas, said road is but little over thirty miles in length from its junction with the East Tennessee and Georgia Railroad to its junction with the Charleston and Blue Ridge Railroad: And whereas, by existing laws they are required to grade and bridge thirty miles of said road as a condition precedent to receiving the State aid: And whereas, it is a matter of the greatest importance to the Com-

pany and to a large district of country that fifteen miles of said road be finished and put in running order as soon as possible; therefore,

State aid as soon as 15 miles are ready.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Tennessee Western and Charleston Railroad Company shall be required to grade and bridge fifteen miles as their first section instead of thirty, as now required by existing laws; and so soon as fifteen miles, commencing at the junction of said road with the East Tennessee and Georgia Railroad, is prepared in the manner contemplated by the existing laws, said Company shall be entitled to receive the bonds of the State in aid of their road to the extent of fifteen miles, at the same rate per mile as is now fixed by law.

SEC. 2. *Be it enacted,* That the Tennessee Western and Charleston Railroad Company shall be subject to the same requirements and conditions, except so far as relates to the length of the first section of their road, and the State entitled to the same liens as are now provided by law.

Western and Alabama Railroad Company same.

SEC. 3. *Be it further enacted,* That the provisions of this act shall extend to the Winchester and Alabama Railroad Company.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 25, 1856.

## CHAPTER 223.

AN ACT to amend an act entitled An act to incorporate the Nashville, Franklin, and Columbia Railroad Company.

Jefferson county may buy her own bonds with sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act so much of the fifteenth section of an act passed 28th February, 1852, requiring the one per cent. County Sinking Fund, under the control of the County Court, to be invested in State bonds, be so amended that the County of Jefferson may have the privilege of purchasing her own bonds authorized to be issued under

said act, or any other act heretofore passed, for internal improvement purposes, and of cancelling them, instead of investing said fund in State bonds, as required by said act.

SEC. 2. *Be it further enacted*, That the privilege contained in the foregoing section shall be under the control of the County Court of said County of Jefferson.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

• Passed February 26, 1856.

## CHAPTER 224

AN ACT to amend the fifteenth section of an act passed February 28, 1852, entitled An act to charter the Nashville, Franklin and Columbia Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the fifteenth section of an act passed the 28th day of February, 1852, which requires the sinking fund, provided for in said fifteenth section of said act, to be vested by the County Court in bonds of the State only, be, and the same is hereby repealed: and that hereafter said County Courts shall invest said sinking fund in bonds of the State, or County bonds at their discretion, bearing six per cent. interest.

County Courts  
may purchase  
County bonds  
with internal im-  
provement fund

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 21, 1856.

## CHAPTER 225.

AN ACT to authorize the Memphis and Charleston Railroad Company to sell their Company bonds at, above, or below par; extending to the Chattanooga and Central Kentucky Railroad Company further time to commence their road, and for other purposes.

May issue and  
sell bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis and Charleston Railroad Company are hereby authorized to issue their Company bonds, mortgaging their road, works, property, and franchises, of every nature, to secure the payment of the same, together with the interest; to fix the rate of interest, not exceeding seven per cent. per annum, fix the place and time of payment for said bonds; to sell the same, either in the United States, or elsewhere, at, above, or below their face or par value, and no plea of usury or abatement shall be set up by said Company on account of the rate of interest fixed in the face of said bond, or on account of the price at which it is sold, whether it be below par or not, or on account of the place of payment or place of sale.

State lien not  
to be impaired.

SEC. 2. *Be it enacted*, That nothing herein contained shall in any manner be so construed as to authorize said Company to mortgage their road to affect the liens of the State of Tennessee in any manner whatever, for bonds issued, or to be issued, or endorsed under the provisions of the internal improvement laws of this State, passed 11th February, 1852, and the amendments thereto.

Amount of  
bonds.

SEC. 3. *Be it further enacted*, That said Company is hereby authorized to issue and sell bonds under the provisions of this act, to the amount of one million six hundred thousand dollars, the proceeds to be applied to the construction and equipment of their road.

Use of Bridge  
aid.

SEC. 4. *Be it further enacted*, That in the event the bridge to be built by said Company across Big Hatchie River, in West Tennessee, to which the State's aid is granted under the amendment to the internal improvement act, passed 8th February, 1854, shall cost less than one hundred thousand dollars, as provided for in said act, said Company shall have a right to use the excess or surplus of said sum in constructing a bridge across the Tuscumbia and Cypress forks of said river, near the line between Hardeman and McNairy Counties, in West Tennessee, under the same rules and restrictions, provided for in said act.

Chattanooga  
and Central Ky.  
Railroad Com-  
pany—further  
time.

SEC. 19. *Be it further enacted*, That the Chattanooga and Central Kentucky Railroad Company be allowed



the further time of four years from the passage of this act within which to commence their road.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed January 29, 1856.

## CHAPTER 226.

AN ACT to amend the charter of the Central Southern Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That that part of the 19th section of the act passed December 11th, 1845, chapter 1, which provides that no person, unless he be the owner of at least fifty shares of the capital stock of said Company, shall be eligible to the office of President or Director, shall not be construed to apply to the Central Southern Railroad Company, and that the rights of any officer or officers elected by the Stockholders or Directors of said Company, to act as such, shall not be prejudiced by the same, but that all proper acts and deeds by them done shall be held as good and valid in law and equity, as if said qualification were not prescribed in the said 19th section of the act incorporating the Nashville and Chattanooga Railroad Company.

Qualifications  
for Directors re-  
pealed.

SEC. 2. *Be it enacted,* That the latter clause of the 16th section of the act passed November 30, 1853, chapter 1, be so amended that, whenever a question is to be settled or vote taken by the stockholders of the Central Southern Railroad Company each owner of not more than twenty shares, shall be entitled to one vote for each share, the owner of every five shares over twenty, and not more than fifty, shall be entitled to one vote for every five shares, the owner of every ten shares over fifty shall be entitled to one vote for every ten shares, *provided*, no Company, corporation or stockholder shall be entitled to more than five hundred votes.

Basis of vo-  
ting in elections  
of stockholders.

SEC. 3. *Be it enacted,* That any person being a citizen of the United States, and a *bona fide*, stockholder of any number of shares, shall be eligible to any office in the Central Southern Railroad Company.

Eligibility for  
office.

**Sec. 4. *Be it enacted,*** That the Board of Directors shall have the right to call upon the stockholders for the payment of their several shares, at any time and in such amounts as they may deem necessary for the proper despatch of the work, *provided*, such call shall not be made oftener than once in every three months and in such amounts as not to exceed  $33\frac{1}{3}$  per cent, per annum of the sum by each subscribed.

**Sec. 5. *Be it enacted,*** That the 20th section of the act passed November 30, 1853, be and the same is hereby repealed, and the Central Southern Railroad Company have the further time of two years in which to commence their road.

**Sec. 6. *Be it further enacted,*** That in the event the the Tennessee and Alabama Railroad Company, shall not construct their road so as to pass through the town of Columbia, the Central Southern Railroad Company, shall have the right to construct their road so as to make connection with the Tennessee and Alabama Railroad at the most eligible point near Columbia.

NEILL S. BROWN,

*Speaker of the House of Representatives,*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 227.

AN ACT to amend an act entitled an act to charter the Louisville and Nashville Railroad Company, and the several acts amending said act, passed by the Legislatures of Kentucky and Tennessee.

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That the Louisville and Nashville Railroad Company are hereby vested with the right to issue and to sell and deliver by the President, or any regularly constituted agent by the President, within the United States, or elsewhere, the bonds of said company, signed by the President and countersigned by the Secretary of said company, with the seal of the corporation affixed, to an amount not exceeding three millions of dollars, bearing interest at a rate per annum not exceeding seven per cent., payable semi-annually, with coupons attached, signed by the Secre-

tary of the company, to be made payable, as said company may direct, in any city in the United States, or elsewhere, within thirty years from their respective dates. To secure the prompt payment of the interest and principal of the bonds issued by authority of this act, said company may execute a mortgage or deed of trust, appointing a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure all the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution; *Provided*, however, if said company shall receive the aid of the State of Tennessee to purchase iron, &c., the lien created by the act extending such aid, shall be superior and paramount to any lien created by the company on that part of the road lying within the State of Tennessee, and that no part of the money hereby authorized to be raised by the issuance of its bonds, shall be used by said company in the construction of any branch road, nor for any other purpose other than that of the construction and equipment of the main stem of said road, connecting the city of Louisville with the city of Nashville. *Provided, however*, that the bonds and mortgage hereby authorized, shall not be enforced in Tennessee at a greater rate of interest than six per centum per annum, unless a rate equal to seven per cent. at the time of its enforcement is allowed by the law of Tennessee.

May mortgage  
not be

State lien not to  
be impaired.

Proceeds of  
bonds not to be  
used in branch's

Sec. 2. *Be it enacted*, That if the mortgage, or deed of trust, shall at any time be foreclosed, according to its terms, or by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds issued and secured by its provisions. Upon such foreclosure, the President shall make a perfect list of all bonds issued and secured by it, verified by its affidavit, and placed of record on file, in the Chancery Court in the city of Louisville, where only such proceeding is authorized to be had. Nor shall such foreclosure take place sooner than ninety days after publication in one or more newspapers printed and published in the cities of Nashville, Louisville, and New York. The person or persons, firm or firms, corporation or corporations, that may become the owners or lessees, for the time, by reason of any sale or leasing, to satisfy the demands of the bondholders, shall be, and are hereby, vested with all the rights, privileges, franchises, and immunities of the corporation.

Foreclosure of  
mortgage.

Sec. 3. *Be it enacted*, That to create and secure a fund for the final redemption of the bonds authorized by this act, the bonds of the State of Tennessee, if delivered

Sinking fund. to the Company, and the bonds of the several counties, which have or may be received in payment of capital stock subscribed by the counties, a sinking fund shall be created by said Company. All dividends over six, and inclusive of eight per cent., shall be set apart and passed to the credit of the sinking fund, and held sacred to the purpose aforesaid, together with any other sum which may, by order of the Board, pass into the sinking fund. To increase and make available the funds set apart as a sinking fund, and any other funds the Company may from time to time have on hand, said Company may establish offices, or create agencies to use and employ the same, by loaning and re-loaning the same. *Provided*, however, that the profit declared on the stock of the city of Louisville, and the respective counties, shall only be held subject to the order of the Board by the consent of the General Council of the city, and the respective County Courts. Said Railroad Company shall also have the right to retire their mortgage bonds, by issuing stock in said Company to the holders of bonds at par at any time. The holders of the bonds, at their election, may demand, and on such demand shall receive, certificates of stock in lieu of bonds, at dollar for dollar, at any time within seven years after there is a through run of the cars from Louisville to a point within the city of Nashville. The mortgaged bonds issued by authority of this act, whether delivered in the United States or elsewhere, shall not be avoided in whole or in part, by pleas of usury, by reason of the rate of interest, place of delivery, or a sale at less than their nominal value.

May endorse  
county bonds.

Bonds may be  
converted into  
stock.

Sec. 4. *Be it enacted*, That the Railroad Company may guarantee the payment of the interest and principal of all or any part of the bonds of the several counties which have been or may be delivered in payment of stock, by an endorsement on each bond so guaranteed, the following words: "The Louisville and Nashville Railroad Company guarantee the payment of the interest and principal of the within bond." To be signed by the President, countersigned by the Secretary, and the seal of the Corporation affixed. Counties, towns, cities, and other corporations that have or may subscribe for stock, and pay the same in bonds, may, under the provisions of laws of their respective States, retire the bonds issued by them and delivered in payment of stock, by the transfer of the county or corporation stock made by the proper authority; or may, by endorsement in these words: "Convertible into stock at the election of the holder in five years after a through run of the cars from Louisville to a point within the

city of Nashville." To be signed by the Mayor of cities, and Clerks of County Courts. On such transfer being made, the Railroad Company shall cancel so much of the stock of the county, or city, or corporation, and issue the same to the holders of such transfers, or convertible bonds. The bonds, when surrendered, shall be cancelled.

Sec. 5. *Be it enacted*, That the tax payers in the county of Davidson, in the State of Tennessee, shall be entitled to stock in said company for sums paid by them to liquidate the interest on the bonds of said counties, paid in discharge of stock subscribed, up to the time the company shall declare dividends, and not after, (unless the County Court of said county, or the persons having charge by law of said dividends, shall consent and apply said dividends to the payment of the interest on said bonds.) The separate tax receipt of the collecting officer exhibiting the amount so paid, shall be transferable by endorsement, and the amount of one hundred dollars shall entitle the holder to one share of stock; but such stock shall not bear interest. The County Court of said county shall from time to time appoint a fit and competent person, and enter the same on record, to whom all tax receipts and transfers shall be exhibited and surrendered; and upon their surrender, the person so appointed shall issue to the holder a printed certificate of the number of shares of stock to which the holder is entitled, and a certificate of any amount over an even share which may also pass by endorsement, and be added to tax receipts to entitle the holder to a certificate of stock. The holders of certificates of stock shall, after one month from their date, on presentation at the office of said Company in Louisville, receive a certificate of stock. It shall be the duty of the persons so appointed to keep a list of all persons to whom they issued certificates, and at the end of each month transmit a copy to the Secretary of the Company at Louisville. They shall also file all receipts so surrendered, and deliver them to the agent of the Company, to be kept on file in the office of the Company. The compensation of such persons shall be fixed by the County Court, and paid by the county or the persons asking the certificates of stock. The persons so appointed, before entering on the discharge of their duties, shall take an oath faithfully to perform the duties devolved upon him by such appointment.

Sec. 6. *Be it enacted*, That said Railroad Company may, at any time and place in the United States or elsewhere, without the formality of opening books for

Davidson  
County tax pay-  
ers entitled to  
stock.  
Company may  
receive sub-  
scriptions at any  
time or place.

public subscriptions, or appointing commissioners for that purpose, receive subscriptions of stock to their company tendered by individuals, towns, cities, counties, or other corporations, whether payable in money or other things; with such terms and time of payment, conditions annexed, and kind of payment, that may be set forth in the subscription; and when the stock so subscribed is earned or paid for, certificates thereof shall be issued to those entitled to it. Said Company may also contract to pay in the capital stock of the Company for anything necessary in the prosecution of the work of construction, or to pay any debt of the Company; and may sell, convey and deliver any property received for stock, or mortgage or pledge the same. Said Company may purchase and hold or hire slaves for use in the construction or management of the road, but not for traffic. When no longer wanted for the purpose aforesaid, they may be sold or hired in the States of Tennessee or Kentucky.

**Oath of officers.** Sec. 7. *Be it enacted*, That it shall be the duty of the President and each Director of the said company; and each Engineer or other agent engaged in the service of the company, to take an oath, each for himself, that he is not, and will not, during his continuance in office, become interested, directly or indirectly, in any contract for the building or the furnishing any material to build said road; made by the company with any person. The engineers shall also swear that they will well and truly, to the best of their skill and judgment, make a fair, impartial, and correct estimate of work done and materials furnished, according to contract, and otherwise faithfully perform the duties of engineers so long as they continue in the service of said company. A certificate of such oath, taken before an officer authorized by law to administer oaths, shall be recorded on the minute book of the company.

**Penalty for violation of same.** Sec. 8. *Be it enacted*, That if, on judicial proceeding and judgment of any court of competent jurisdiction, it shall be adjudged that any engineer, or any of the officers or other agents aforesaid, shall, at any time after taking said oath, have been interested with any contractor in any contract for the building of any part of said road, or for furnishing any materials for building or equipping said road, no recovery in law shall be had on such contract; and said interested engineer or officer aforesaid, shall be deemed guilty of the crime of perjury, and upon conviction thereof, shall suffer all the penalties prescribed for the crime of perjury.

Sec. 9. *Be it enacted*, That full and complete powers



are hereby given to the Louisville and Nashville Railroad Company, to the Edgefield and Kentucky Railroad Company, and to any and all railroad companies now chartered, or which may be hereafter chartered by the State of Tennessee, to unite in the purchase of the necessary grounds, right of way, or other privileges necessary for, and to unite upon such terms as may be agreed on in the construction of a common bridge across the Cumberland River, and in the erection of any buildings and fixtures useful for the convenient transfer of passengers and freight from one road to another.

Common bridge across the Cumberland.

Sec. 10. *Be it enacted*, That within the space of two years from and after the passage of this act, the said Louisville and Nashville Railroad shall have completed, equipped, and in operation, not less than thirty miles of its said road next the city of Nashville, including the bridge across Cumberland River, unless prevented or obstructed by unavoidable occurrences or hindrance; *Provided*, that none of the funds or resources belonging to said road, raised or to be raised for the building of the road proper, shall be applied to the building of said bridge, but that said bridge is to be built exclusively from means appropriated, or to be appropriated to that object; and that the thirty miles on this section mentioned, is to include said bridge only on the condition of adequate means being furnished for that object.

Thirty miles, including bridge, to be completed in two years

Sec. 11. *Be it enacted*, That the Edgefield and Kentucky Railroad, and the Louisville and Nashville Railroad, are entitled to the sum of one hundred thousand dollars each, to construct a bridge across the Cumberland River at Nashville; and that they are hereby consolidated for that purpose, and shall be entitled, upon application, to the sum of two hundred thousand dollars, for which the Governor shall issue coupon bonds of the State at six per cent., at thirty years, to be issued as twenty thousand dollars of the work shall be done, from time to time.

Bridge aid for Cumberland

Sec. 12. *Be it further enacted*, That the power is hereby vested in the Louisville and Nashville Railroad Company, and the Edgefield and Kentucky Railroad Company, to enter into an agreement to construct a road, to be held and used in common, with single or double tract, from the city of Nashville to a point to be agreed on, not to exceed ten miles; and said Companies shall each be entitled to State aid, under the provisions of the act passed 11th February, 1852, entitled, "An act to establish a system of internal improvements in this State," and an act passed 8th Feb-

Common road with E. and K. R. R. for ten miles from Nashville.



ruary, 1854, entitled "An act to amend an act passed 11th February, 1852, entitled An act to establish a system of internal improvements in this State," in as full and complete a manner as if each road had been separately constructed. But it shall be the duty of said Companies to construct a double track for the distance they run together, within four years from the time the cars commence running on said roads, and may agree on terms of separating their interests.

Branch roads.

Sec. 13. *Be it enacted*, That this act shall take effect from and after its passage. *Provided*, that nothing herein contained shall be construed to prevent the Louisville and Nashville Railroad from admitting branch roads to connect with it at any point or points to be agreed upon between said Company and those who have or may subscribe stock for the construction of any branch road. The stock subscribed, and the means created to construct each separate branch, shall be faithfully applied to that purpose. And said Company is hereby vested with the power and the right to issue its bonds, under the provisions of this act to obtain means to construct and equip any branch road, the bonds to express on their face the purpose for which they were executed, and, to secure their payment, may execute a deed of trust or mortgage, and for the payment of which the rights, credits, profits, property, and franchise procured for said branch, by the use of its means, shall alone be made liable. The rights, credit, property, or profits of the main stem shall not be used to create means to construct, or made liable for, any debt or liability created to construct branch roads, nor shall the rights, credit, property, and profits of any branch road be used to create means to construct, or made liable for, any debt or liability created to build the main stem. And, with a view to such liabilities and profits, said Company shall keep separate accounts, exhibiting the stock, property, profits, and debts of the main road and each branch.

Two additional directors to represent State.

Sec. 14. *Be it enacted*, That upon the acceptance by said Company of the benefit of the act of Tennessee extending to said Company aid in the purchase of iron, &c., two directors shall be added to the number allowed by the original charter, who shall be in office from the time of their appointment by the Governor, and remain in office one year, and until their successors are appointed and qualified. The directors so appointed shall represent the State of Tennessee to an amount in shares equal to a subscription of five hundred and forty-five thousand dollars, at all meetings of the stockholders,

and in the sittings of the Board of Directors, and either may vote for the other, and both or either may, in writing, vote by proxy; and in like manner may any other director, residing in Tennessee, vote in person or by proxy. *Provided*, however, if any thing shall occur to prevent the Company from receiving the State aid, said State directors shall only represent the State to the extent that the Company may realize State aid.

SEC. 15. *Be it further enacted*, That the Louisville and Nashville Railroad Company be and they are hereby authorized and vested with the power to make an agreement with any County Courts of counties which has subscribed stock in said road, payable in bonds, whereby such counties may, through the County Courts, acting under authority of law, conferring the power to contract, agree to reduce the amount of their stock, and covenant to pay the same in money at a shorter period, and secure the same by the execution of bonds, maturing at an earlier date and of less denomination, and transfer the stock of said County Courts to the tax-payers of the respective counties.

Counties may  
reduce their sub-  
scriptions.

SEC. 16. *Be it enacted*, That upon the presentation of tax receipts for taxes paid in Sumner County, to an amount equal to one or more shares, countersigned by the Clerk of the County Court of Sumner County, as now required by law, said Company shall issue certificates of stock in said Company to said tax-payers or their assignees, such stock not to bear interest.

Sumner Coun-  
ty tax-receipts  
good for stock.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 15, 1855.

## CHAPTER 228.

AN ACT explanatory of the proviso to the sixteenth section of the Internal Improvement law of this State, passed 11th February, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of this State be and is hereby authorized and directed to issue coupon bonds of the State of Tennessee, to an amount not exceeding ten thousand dollars per mile, upon the same

Memphis and  
Charleston R.R.  
Aid for Som-  
erville Branch.

general terms, conditions, and restrictions as are required by the General Internal Improvement Act, passed 11th February, 1852, upon thirteen and one half miles of road, in addition to the bonds already issued to the Memphis and Charleston Railroad Company, in order to supply the deficit of the issuance of bonds created by a proviso in section sixteen of the act of 11th February, 1852; said company agreeing to keep up as long as the main trunk, the branch road, as designated in the above section of the act of 11th February, 1852. That said act is passed solely for the purpose of placing the Memphis and Charleston Railroad Company upon an equality with other railroads that are entitled to State aid, under the general Internal Improvement acts of the years 1851-2 and 1853-4. And that this act take effect and be in force from and after its passage. *Provided*, that the State shall have a prior lien on said road—stock, machinery, franchises, and fixtures—for the amount of said bonds and interest thereon, as is retained by said State under said acts, and the several acts in force on that subject, or is now held by said State on said road for bonds heretofore issued, in preference to all others whatever.

M. and C. R. R.  
Co.—Henry Co.  
bonds.

SEC. 2. *Be it further enacted*, That the act of February, 28, 1854, chapter 321, section 6, be so amended as to allow the Chairman of the County Court of Henry County to issue to the Memphis and Ohio Railroad Company the bonds of said County, whenever the President of said Company shall make oath before the Clerk of the County Court of said county that, with these bonds, he has stock enough subscribed to said Railroad Company, between the Nashville and North-western Railroad and Paris, or the Tennessee River, to prepare said Memphis and Ohio Railroad for the iron from the Nashville and North-western Railroad to Paris, or the Tennessee River.

R. R. tax re-  
ceipts transfer-  
able.

SEC. 3. *Be it enacted*, That the eighth section of the act passed 22d January, 1852, entitled, "An act to authorize and regulate County subscriptions to railroad stock," be so amended, that the holder of the railroad tax-collector's certificate of the amount of the road tax paid, shall be, *prima facie*, held and deemed for all purposes mentioned in said act the legal owner thereof. And that this act shall take effect from its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 30, 1856.

## CHAPTER 229.

AN ACT to amend the charter of the Knoxville and Charleston Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the various acts of the General Assembly of the State, incorporating the Knoxville and Charleston Railroad Company, are so amended as that the stockholders may, at their next meeting subsequent to the passage of this act, elect *nine* directors, instead *fifteen* as is now required by said act; and that any stockholder may without reference to the amount of the stock owned by him, be elected a director of said Company.

Directors.

SEC. 2. *Be it further enacted,* That said charter be further amended so as that a failure on the part of the Company to complete their road within the time prescribed in said charter shall not operate as a forfeiture of the charter; and any clause of said charter conflicting with this amendment, be and the same is hereby repealed; and that said Company may have the further time of two years to bring themselves within the provisions of the Internal Improvement acts of 1851-2, and 1853-4.

Further time.

SEC. 3. *Be it further enacted,* That said Company shall be permitted to erect in connection with the Railroad Bridge at Knoxville, a passway for carriages, Horses, Stock &c., and that they be allowed to collect toll of all persons crossing thereon, at the rates prescribed in the charter of the Knoxville Bridge Company, *provided, however,* that persons passing on foot shall be exempt from toll.

Railroad bridge-toll.

SEC. 4. *Be it further enacted,* That the charter of the South-Western Railroad Company, be so amended that any stockholder of said Company shall be eligible as director of said Company, or to any other office, without reference to the amount of his stock.

South-Western R. R. Co.

SEC. 5. *Be it further enacted,* That in all suits between a railroad Company and any of its stockholders, or other parties or persons, any stockholder in said Railroad Company, shall be a competent witness for or against said Company; and his testimony shall be admitted as that of other witnesses, and his interest, as a stockholder, in the event of the suit, shall go to his credibility only, and not to his competency.

Suits between R. R. Co's. and stockholders.

SEC. 6. *Be it further enacted,* That the Cincinnati, Cumberland Gap and Charleston Railroad Company shall have the further time of two years, to grade the first section of thirty miles of their road.

Cincinnati Cum. Gap &amp; Ch. R. R.

SEC. 7. *Be it further enacted,* That hereafter it may be

Railroad may  
change location.

lawful for any Railroad Company, in this State, having a terminus of their road upon the State line, to change the location of their said road, so as to form a connection upon the State line with any other railroad out of the State, if in the opinion of a majority of the Board of Directors of such road it is expedient and proper to do so.

Memphis and  
Charleston R. R.  
State aid for  
Sommerville  
Branch.

SEC. 8. *Be it further enacted*, That the act passed January the 30th, 1856, entitled "An act explanatory of the proviso to the sixteenth section of the Internal Improvement law of this State, passed 11th February, 1852," be so amended, that the Governor of this State, be authorized, and he is hereby directed to issue the coupon bonds of the State of Tennessee, to the Memphis and Charleston Railroad Company, for (\$10,000) ten thousand dollars per mile upon (13½) thirteen and one half miles of their road, in order to reimburse said Company for the amount expended by said Company in ironing and equipping their branch-road from Moscow to Sommerville, in the County of Fayette, upon which the State obtained a lien by virtue of the Internal Improvement act of the 11th of February, 1852; and that the lien of the State as secured by said act of the 11th of February, 1852, upon said branch-road, and all the fixtures thereon shall remain in full force and virtue until said bonds and the interest accruing thereon is fully paid and discharged. And also, that said act shall be construed as to require said Company to run said branch-road with a locomotive, and passenger car daily as long as they do the main road. And that said bonds shall be issued by the Governor upon the certificate of the President of said Company, that said road is fully finished and equipped and that said ironing and equipment has cost over (10,000) ten thousand dollars per mile. And also, furnishes the Governor with a resolution of the Board of Directors of said Company, agreeing that they will keep up and run said branch road as provided for in this act and the act this is intended to amend.

Eligible for  
office in the S.  
W. R. R.

SEC. 9. *Be it enacted*, That any stockholder may hold the office of president or any other office in the Company of the South Western Railroad, without regard to the amount of his stock. All other laws are repealed within the purview of this section of this act.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 230.

AN ACT to allow railroad companies to increase their capital stock; to repeal the clause in the charter of the Memphis, Clarksville, and Louisville Railroad Company requiring any stockholder to have taken, or to own, twenty shares of stock, in order to be eligible as a Director in said road, and to amend an act to authorize Sumner County to issue bonds in payment of her subscription to the Louisville and Nashville Railroad Company, passed December 20, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several railroad companies incorporated in this State, shall have the power, and are hereby authorized to increase the capital stock of their several companies to the amount of interest which may, from time to time, be collected to pay the interest on county bonds paid in discharge of county stock. When any company shall agree to such increase of its capital stock, the collectors of railroad tax to pay the interest aforesaid, to execute to each tax-payer a separate receipt for the railroad tax, setting forth the company in which it is paid; which said receipts shall pass by endorsement; and when an amount is presented equal to a share of stock in said company, a certificate therefor shall be issued to the holder.

R. R. Co. may increase capital stock.

SEC. 2. *Be it enacted*, That in any case where stock has been voted, and a debt shall have been created, and the stock vested in the County Court, or shall involve the collection of money to create county stock, the County Courts respectively, or a majority of all its members concurring, shall have the power to transfer the stock of the county to redeem at dollar for dollar the bonds of the county, or transfer to tax-payers the stock of the county to each tax-payer for the amount he may from time to time pay, where the stock is created by taxation in money; and the railroad companies shall issue stock to the holders of such transfers, and to that extent relieve the stock of the county.

County Court may transfer stock to retain bonds.

SEC. 3. *Be it further enacted*, That the clause in the charter of the Memphis, Clarksville, and Louisville Railroad Company, requiring any stockholder to have taken, or to own twenty shares of stock in order to be eligible as a director in said road, be, and the same is hereby repealed.

M. C. & L. R. R. Co.—eligibility for Director.

SEC. 4. *Be it further enacted*, That so much of the 6th section of said act of December 20, 1853, as requires the collector of the railroad tax to deposite said tax when collected in some one of the specie-paying banks of the city of Nashville, to the credit of the Trustee of Sumner County, and likewise so much of the 7th section of said act as makes it the duty of the County Trustee to apply the railroad tax to the pay-

Sumner County bonds—act amended.



ment of the accruing interest on the county bonds, be, and the same is hereby repealed.

Duty of R. R.  
Tax Collector.

SEC. 5. *Be it enacted*, That it shall be the duty of the Clerk of the County Court of Sumner County, on or before the 15th day of May and November of each year, to furnish the collector of the railroad tax with a statement showing the amount of interest that will be due on the bonds of the county, on the 1st of June and December following, and where said interest is payable; it shall then be the duty of said collector to apply the tax in his hands to the payment of said interest.

Clerk of Sum-  
ner Co'ty Court  
settle with tax  
collector.

SEC. 6. *Be it enacted*, That it shall be the duty of the Clerk of the County Court of Sumner, before the 1st day of January of each and every year, to settle with the railroad tax collector; in which settlement he shall charge him with all that has come into his hands, or should have come into his hands, and give him credit for all proper payments, as well as his commissions, and any allowances that may be made by the County Court for insolvencies, errors, &c.; in which settlement it shall be the duty of the collector to hand over to the Clerk of the County Court, all coupons by him paid off; and it shall be the duty of said Clerk to write upon the face of said coupons, "paid," and then to preserve the same as hereafter directed. It shall be the duty of the Clerk to report said settlement to the January term of the County Court each year, and if the same shall be confirmed by the Court, the Clerk shall spread it at length upon the minutes of the Court.

Shall keep  
bound book.

SEC. 7. *Be it enacted*, That the Clerk of the County Court shall cause to be prepared a book containing a copy of each bond issued by the county, which, instead of having the coupons printed, shall have attached as many blanks as there are coupons; and it shall be the duty of the said Clerk, when he receives the coupons from the collector, and has marked across them "paid," to paste the same in its proper place under the bond from which it was detached; which book shall remain in his office as any other record in said office.

Extra compen-  
sation of Co'ty  
Court Clerk and  
R. R. Tax Col-  
lector.

SEC. 8. *Be it enacted*, That the Clerk of the County Court, in addition to the cost of the book directed to be kept by him in 4th section of this act, shall be allowed an annual compensation of twenty-five dollars, and no more, for his services under this act; and no further compensation shall be allowed the railroad tax collector, other than is now provided by law; *Provided*, that his compensation in no one year, for all the services required of him, shall exceed the sum of one thousand



dollars in the collection of said railroad tax for that year.

SEC. 9. *Be it enacted*, That the Clerk of the County Court of Sumner, be authorized and directed to collect all railroad taxes upon privileges at the time he issues a license to the persons wishing to exercise the enumerated privileges; which tax, when collected, he will pay over to the railroad tax collector; and said collector shall furnish the Clerk with receipts of stock for said privileges, which shall be delivered to the persons paying for the privileges. R. R. tax upon privileges.

SEC. 10. *Be it enacted*, That this act take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 231.

AN ACT to divide and equally apportion the Academy fund of Jefferson County between Maury Academy and Dandridge Female Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Dandridge Female Academy, incorporated by an act passed 23d January, 1850, chap. 125, be, and the same is hereby declared a Branch of Maury Academy in the County of Jefferson. D. F. A. made branch of Maury Academy.

SEC. 2. *Be it further enacted*, That said Branch shall retain its separate name as heretofore, and continue under the separate control and government of the Board of Trustees thereof, as heretofore, and that the said female Branch shall be entitled to an equal division, or one half of the Academy funds hereafter to be drawn from the State.

SEC. 3. *Be it further enacted*, That the Trustees of Maury Academy shall draw, receive, and receipt for the Academy Fund of Jefferson County as heretofore, and shall pay over the one half of the sum and sums received hereafter, immediately upon the receipt thereof to the Trustees of said Branch or Dandridge Female Academy. Academy fund.

SEC. 4. *Be it further enacted*, That this act shall take effect on and after its passage.

Carthage Female Academy made Branch of Geneva Academy.

SEC. 5. *Be it enacted*, That the Carthage Female Academy be, and the same is hereby declared a Branch of the Geneva Academy.

SEC. 6. *Be it enacted*, That said Branch shall retain its separate name as heretofore, and continue under the separate control and government of the Board of Trustees thereof as heretofore.

Academy fund.

SEC. 7. *Be it enacted*, That the funds now on hand, and the dividends hereafter going to the Academic Fund of Smith County, be, and are hereby equally divided between the two academies located at Carthage, one called the Geneva Academy, and the other the Carthage Female Academy.

Carthage—eligibility to office.

SEC. 8. *Be it further enacted*, That hereafter it shall be lawful for any householder in the limits of the Corporation of the town of Carthage in Smith County, not otherwise ineligible, to hold office in said town, and so much of any act or acts heretofore passed as renders said householders ineligible to office in said town is hereby repealed.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

Boon's Creek Male and Female Institute.

SEC. 10. *Be it further enacted*, That there be established in the County of Washington in said State, an institution of learning, having a corporate existence, under the name and style of the Boon's Creek Male and Female Institute.

Trustees and officers.

SEC. 11. *Be it enacted*, That the said Institution shall be governed by nine trustees, who, and their successors, shall constitute a body politic and corporate, any five of whom shall make a quorum for the transaction of business. The first Board shall consist of Martin V. Kitzmiller, James Vaughan, William P. Reeves, and Thomas H. Crouch, George Faw, and John Crouch. All vacancies that may occur in their body shall be filled by the Board. They may elect from their own body a President, Secretary, and Treasurer.

Powers.

SEC. 12. *Be it enacted*, That the said Board shall have power to employ all necessary teachers and lecturers, fix the rates of tuition, prescribe the course of study, make all necessary rules and regulations, hold real and personal estate, by purchase, gift, or devise, and dispose of or control the same, as the interests of the Institution may require; to sue and be sued, and have a common seal, to confer, in conjunction with the Board of Instruction, such literary degrees, and grant such certificates and diplomas as are usual in similar institutions, and

have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations for said Institute, provided they shall be consistent with the constitution and laws of the State of Tennessee, and of the United States.

SEC. 13. *Be it enacted*, That in the conveyance of real estate, or the transfer of claims or other assets, the name of the President of the Board shall be sufficient, by order of said Board, in each case.

SEC. 14. *Be it enacted*, That the County Court of Decatur County be, and is hereby authorized to appoint five suitable persons as a Board of Trustees of the Decaturville Female Academy.

Trustees of  
Decaturville Fe-  
male Academy.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 15, 1856.

## CHAPTER 232.

AN ACT to amend an act, entitled, an act to incorporate Hiwassee College, passed January 23d, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the first section of an act passed January 23d, 1850, entitled an act to incorporate Hiwassee College, as confines the Trustees of said Institution to Monroe County, and limits said Corporation in its duration to fifty years, be, and the same is hereby repealed.

Trustees may  
reside in any  
county.

SEC. 2. *Be it further enacted*, That the Trustees of the said Hiwassee College may reside in any county in this State, and in their corporate name shall have perpetual succession.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed January 3, 1856.

## CHAPTER 233.

AN ACT to change the name of the Mossy Creek Missionary Baptist Seminary in the County of Jefferson, to the name of Mossy Creek Baptist College.

SECTION 1. *Be it enacted by the General Assembly of State of Tennessee*, That the name of the Mossy Creek Missionary Baptist Seminary, in the County of Jefferson, be, and the same is hereby changed to the name of Mossy Creek Baptist College, with all the powers, rights, and privileges and immunities conferred by an act of the General Assembly of the State of Tennessee, passed December 5, 1851, entitled An act to incorporate the Trustees of the Mossy Creek Missionary Baptist Seminary, in the County of Jefferson, and for other purposes.

SEC. 2. *Be it enacted*, That the Trustees of the said Mossy Creek Missionary Baptist Seminary and their successors in office be, and they are hereby constituted the Trustees of the Mossy Creek Baptist College, and the right and title to all the property, both real and personal, which now belongs to them as Trustees of the said Mossy Creek Missionary Baptist Seminary shall be and the same is hereby fully vested in them and their successors in office as Trustees of the Mossy Creek Baptist College.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 234.

AN ACT for the benefit of the Rogersville and Jefferson Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the Rogersville and Jefferson Railroad Company shall have taken an amount of good and solvent stock sufficient to grade the whole length of said road, and shall have graded said road and prepared for laying down the cross-ties thereon, and that fact being certified to the Governor of this State, in manner and form as now prescribed by

to all the privileges, and be subject to all the restrictions and liabilities, that the several railroads provided for in the act passed February 11, 1852, and the act passed February 8, 1854, amendatory thereto, are severally subject to.

Sec. 6. *Be it further enacted*, That the said Railroad Company is hereby authorized and empowered, at its discretion, to commence said road at Rogersville and run it so as to connect with the Cincinnati, Cumberland Gap, and Charleston Railroad, by intersecting the said road at some point on said road between Clinch Mountain and Holston River, if the said Company, after a

survey of the different routes, believe it practicable and for the public interest.

Made branch  
of E. T. and Va.  
R. R.

SEC. 7. *Be it further enacted*, That the Rogersville and Jefferson Railroad is hereby declared to be a Branch Road of the East Tennessee and Virginia Railroad: *Provided*, that nothing contained in this act shall be so construed as to weaken the legal claims of the East Tennessee and Virginia Railroad heretofore granted, or in any way conflict in interest with the said road.

Sinking fund.

SEC. 8. *Be it further enacted*, That the President and Directors of the Jefferson and Rogersville Railroad shall, after the expiration of five years from the issuance of the bonds of the State for the ironing and equipping said Railroad and building said bridge, shall set apart and pay into the Treasury two per centum per annum on the whole amount of the bonds issued for the benefit of said road as a sinking fund to be invested and re-invested in State bonds or other stocks, as provided for by law, for the purpose of liquidating and paying off said bonds as they fall due.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 20, 1856.

## CHAPTER 235.

AN ACT to amend an act entitled An act to charter the South-Western Railroad Company, and for other purposes, passed January 31, 1852.

Further time.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of two years is hereby extended to the South-Western Railroad Company to bring themselves within the provisions of an act, entitled an act to establish a system of internal improvements in this State, passed February 11, 1852, and acts amendatory thereto.

SEC. 2. *Be it enacted*, That so soon as *bona fide* subscription of stock be taken and subscribed to the said

South-Western Railroad, sufficient to grade, bridge, and prepare the said railroad for iron rails, commencing where the same connects with the McMinnville and Manchester Railroad to Livingston, in Overton County, near the Kentucky State line, and thirty miles, inclusive of side track measure, shall be graded and prepared ready for the iron rails, the Governor shall issue to said Company coupon bonds of the State, as directed in the act entitled "An act to establish a system of internal improvements in this State," passed February 11, 1852, and acts amendatory thereto. State aid.

SEC. 3. *Be it enacted*, That to aid said Company to complete the said South-Western Railroad, the bonds of the State shall issue to said Company in like manner by the Governor for each bridge across Collin's River, Caney Fork, and Obed's River, under the same regulations and restrictions that bridge aid is granted to the other railroad companies in this State, for a sufficient sum to build the bridges over said rivers and no more, and not to exceed two hundred thousand dollars, which amount shall be included in the aggregate amount of subscription in said road, of stock; *provided*, that before the same shall issue, the amount necessary to build said bridges, estimated and certified to the Governor by a competent engineer: *And provided*, that nothing in this act shall prevent the State from having a lien upon the said road and stock, as provided in the act which this is intended to amend. Bridge aid.

SEC. 4. *Be it further enacted*, That whenever the Winchester and Alabama Railroad Company shall grade and prepare for the laying down of the iron rails upon so much of said road as lies between Decherd's Depot, (where the Winchester and Alabama Railroad intersects the Nashville and Chattanooga Railroad,) and the Boiling Fork of Elk River, then the Governor shall issue to the President and Directors of said Winchester and Alabama Railroad Company coupon bonds of the State of Tennessee to the amount of thirty thousand dollars for the purpose of constructing a bridge across said stream—said bonds to be issued under the same rules and restrictions as provided in an act entitled An act to establish a system of internal improvements in this State, passed February 11, 1852, and acts amendatory thereto. Winchester & Alabama Railroad--bridge aid

SEC. 5. *Be it further enacted*, That in lieu of the State aid granted the Nashville and Southern Railroad Company, and for the purpose of enabling the Tennessee and Alabama Railroad Company, and the Central Southern Railroad Company to form a connection of



Tennessee and  
Ala. and Central  
Southern Rail-  
road Company  
—State aid.

their roads at Columbia, the Governor of the State is hereby authorized and required to issue coupon bonds of the State of Tennessee to the Tennessee and Alabama Railroad Company, and to the Central Southern Railroad Company to an amount not exceeding one hundred and fifteen thousand dollars to said Tennessee and Alabama Railroad Company, and to an amount not exceeding eighty-five thousand dollars for the Central Southern Railroad Company—said bonds bearing an interest of six per cent. per annum, payable semi-annually, at such places as the respective Presidents of said Companies may designate, and which bonds shall be payable in not less than thirty, nor more than forty years after date; said aid being hereby granted for the purpose of aiding said Companies to build bridges across Duck and Buffalo Rivers, upon the line of the Tennessee and Alabama Railroad Company; eighty-five thousand of the one hundred and fifteen thousand dollars, shall, so far as necessary, be applied to the construction of said bridge across Duck River; and thirty thousand, of the one hundred and fifteen thousand dollars, shall be applied, so far as needed, by said Company to the construction of a bridge across Big Buffalo. After the construction of said bridge across Duck River, it is hereby made the duty of said Tennessee and Alabama Railroad Company, and is hereby declared to be a part of their charter, and made the duty of said Company, to continue the construction of said road, as specified in the present charter of the Tennessee and Alabama Railroad Company, and amendments thereto, in the direction indicated in said charter and amendments. The aforementioned eighty-five thousand dollars to the Central Southern Railroad Company shall be applied to the construction of a bridge across Elk River on the line of said Central Southern Railroad; *provided*, the aforementioned bonds shall be issued upon the terms and conditions mentioned in an act passed February 4, 1852, entitled "An act to aid in the completion of the East Tennessee and Georgia Railroad," [except the second section,] and also the fifth and sixth sections of an act passed February 26, 1852, entitled "An act to charter the Chattanooga, Blue Spring, and Cleveland Railroad Company, and for other purposes," and said bonds to be issued under this section shall be included in the aggregate amount of stock raised by said Companies, in the same manner that the three hundred thousand dollars of bonds loaned to the East Tennessee and Virginia Railroad Company, under an act passed January 15, 1852, to enable said Company to build bridges, are provided

to be included in the aggregate amount of stock to be raised by the East Tennessee and Virginia Railroad Company. That the obligation specified in this section by which the Tennessee and Alabama Railroad Company are required to build their road to the town of Columbia, shall be binding upon said Tennessee and Alabama Railroad Company, only on condition that the citizens of Maury County subscribe an amount of stock sufficient to complete the local work of said road from its present terminus, near Spring Hill, to the town of Columbia, the bridge across Duck River excepted.

SEC. 6. *Be it further enacted by the General Assembly of the State of Tennessee*, That the Edgefield and Kentucky Railroad shall be entitled to all the benefits of the second section of an act passed February 8, 1854, entitled "An act to amend an act passed 11th February, 1852, entitled 'An act to establish a system of internal improvements in this State,'" and of all the acts referred to in said sections, for each bridge that said road may have to build across Red River and Sulphur Fork: *Provided*, that aid shall not be granted for building more than one bridge across each of said streams; *and provided*, that the aid granted shall not exceed (\$130,000) one hundred and thirty thousand dollars for both bridges.

Edgefield and  
Kentucky Rail-  
road Company—  
granted bridge  
aid.

SEC. 7. *Be it enacted*, That the estimates of the cost of said bridges shall be made by the Chief Engineer of the road under oath, and that the same shall be examined and approved by the Commissioner of Roads.

SEC. 8. *Be it further enacted*, That the provisions and restrictions of the foregoing sections in relation to bridges for the Edgefield and Kentucky Railroad Company, shall apply to the Memphis, Clarksville and Louisville Railroad Company, for a bridge across Red River: *Provided*, that the aid granted for constructing said bridge shall not exceed (\$50,000) fifty thousand dollars.

Memphis and  
Clarksville Rail-  
road Company—  
bridge aid.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 236.

AN ACT to incorporate Rotherwood Classical Seminary in Hawkins County, and Locust Hill Female Seminary near Salem, in Franklin County, and for other purposes.

Rotherwood  
Classical Semi-  
nary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joshua Phipps and John L. Lampson, who have purchased a tract of land on the North Fork of Holston River, in Hawkins County, with the buildings thereon, for the purpose of establishing a Classical Seminary, together with such other persons as are now, or may be hereafter associated with them in the ownership of said property, and their successors and assigns are hereby constituted a body politic and corporate, by the name and style of the Rotherwood Classical Seminary; and by that name shall have perpetual succession and a common seal, and by the name aforesaid be capable in law to purchase, receive, and to hold, to them and their successors and assigns forever, or for any less estate, any lands, tenements, goods or chattels, which shall be given, granted, devised, or bequeathed to them, or purchased by them to the use of said Seminary, and to use and dispose of the same in such manner as to them shall seem most advantageous for the use of said Seminary. The said Joshua Phipps, and John L. Lampson, and their associates, assigns, and successors, shall by the corporate name aforesaid, sue and be sued, plead and be impleaded, in any courts of law or equity in this State or elsewhere.

Trustees, rules,  
&c.

SEC. 2. *Be it enacted*, That for the better government of said Seminary, John L. Lampson, who is now the President thereof, and the said Joshua Phipps, who is a joint owner with him of the land upon which it is situate, shall have power, and they are hereby authorized to appoint a Board of Trustees not exceeding seven in number, who, together with the President, shall have power to appoint such professors, tutors, and other officers of said Seminary, as they may deem proper; to enact such by-laws, rules, and regulations, for the government of said Corporation and said Seminary, and the promotion of education therein, as in their opinion may be necessary: Provided such by-laws, rules, and regulations, are not inconsistent with the constitution and laws of the United States or of this State.

Powers of Trustees.

SEC. 3. *Be it enacted*, That said Trustees, or a majority of them, shall meet at such times and places, in each and every year, as they may deem proper; That they shall have power to remove the President, professors, tutors, or other officers of said Seminary; to fix and

regulate their respective salaries or mode of compensation ; and the President and Trustees of said Seminary, with the advice and consent of a majority of the Board, shall have full power and authority, at any session of the Board, to confer on any student of said Seminary, or any other person they may deem proper, the degrees of Bachelor of Arts, Master of Arts, or any other degree known and used in any college or university in the United States.

SEC. 4. *Be it enacted*, That the first Board of Trustees who may be appointed under this act, together with the said Joshua Phipps and John L. Lampson, shall have the power to establish among their by-laws the mode in which vacancies in the Board of Trustees shall from time to time be filled. Vacancies in Board of Trustees.

SEC. 5. *Be it enacted*, That the said Joshua Phipps and John L. Lampson, their successors or assigns, shall have full power to sell, exchange, assign, transfer, or convey any of the real or personal estate now belonging to said Seminary, by deed or otherwise, in their corporate names; but all lands, money, chattels, or other property which may hereafter be given, devised, or bequeathed to said Seminary, shall be under the control of the Board of Trustees and the President for the time being of said Seminary, and disposed of as they may determine by written resolutions to be adopted by a majority of them, and recorded in the book or books in which their proceedings shall be kept.

SEC. 6. *Be it enacted*, That each of said Trustees, before acting in his appointment, shall, before some Judge or Justice of the Peace, take an oath faithfully, honestly, and impartially, to discharge the duties of said appointment, and that in all votes to be given, or acts to be done by him as Trustee of said Seminary, he will so vote and act as will in his judgment best promote the interests of said Seminary, and education therein. Trustees to be sworn.

SEC. 7. *Be it enacted*, That this Charter shall be deemed a public act, and as such, shall be judicially recognized without specially pleading it in any of the courts of law or equity in this State.

SEC. 8. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

SEC. 9. *Be it further enacted*, That all the rights, benefits, and privileges granted by this act be, and the same are hereby extended to "Locust Hill Female Seminary," near Salem, in Franklin County, and that N. B. Smith, and the Board of Trustees of said Institution, have the entire control and management of said Institution. Locust Hill Female Seminary.

SEC. 10. *Be it enacted*, That an act entitled An act to

Odd Fellows'  
Female College  
at Paris amend-  
ed.

charter the Odd Fellows' Female College at Paris, passed December 14th, 1855, be amended by striking out the word "Paris" in the second section in the first line, by inserting the words Buena Vista, and inserting the words "fifty-six" after the word number.

SEC. 11. *Be it enacted*, That said Buena Vista Lodge may hold and use sufficient grounds and buildings, together with apparatus, musical instruments, and such other school furniture and appliances as may be necessary for teaching and illustrating the several branches of science and art pursued in said Female College, free and exempt from State and County taxation, to any amount not exceeding fifty thousand dollars, which may include such personal property as may be owned by any Professor or Teacher, and used in said College for said specified purposes.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 15, 1856.

## CHAPTER 237.

AN ACT to establish the town of Centreville as a Common School District, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the limits of the town of Centreville, in Hickman County, shall constitute a Common School District, to be numbered and known as District No. 45; and the children residing in said district shall be numbered as the scholastic population of other school districts are.

SEC. 2. *Be it further enacted*, That the school funds, when received, shall be equally divided between the male and female branches of the Centreville Academy;

SEC. 3. *Be it further enacted*, That it shall and may be lawful for such citizens as may reside in the vicinity of said town, to attach themselves to said School District, No. 45.

SEC. 4. *Be it enacted*, That a Common School District is hereby formed, including the following families, citizens of Rutherford and Cannon Counties: C. D.

Ivie, Simeon Hollis, W. J. Walkup, Wm. Peak, Walker Peak, Peyton Shepherd, John Davison, Wm. G. Brandon, H. L. Thompson, T/T. Peay, Mary Holmes, Martha Hollis, Dr. J. H. Dickens, Isaac McCollough, Charles Ready, J. C. Martin, Lewis Jetton, D. F. Weedon, John H. Wood, Dr. J. B. Armstrong, Wm. Owen, and John Chappell, who shall have power to elect jointly a Commissioner from the respective portions taken from each county, who shall have all the rights and privileges, and be subject to all the restrictions of other school commissioners, and are hereby authorized to draw from the the Trustees of their respective counties their pro-rata share of the common school fund.

New School District in Rutherford and Cannon Counties.

Sec. 5. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 238.

**AN ACT to incorporate the LaGrange Synodical College in the County of Fayette.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a College shall be, and is hereby established, to be located in the vicinity of the town of LaGrange, and County of Fayette, which shall be known and distinguished by the name of the LaGrange Synodical College, and the same shall be forever under the care of the Synod of Memphis and their successors, in connection with the General Assembly of the Presbyterian Church of the United States of America, (O. S.)

SEC. 2. *Be it enacted*, That a Board of Trustees, having not less than sixteen, nor more than twenty five members, is hereby created and constituted a body political and corporate, to be known by the name of the Board of Trustees of the LaGrange Synodical College; and by that name to have a common seal, and succession and perpetuity, as herein provided for; and to have and enjoy legal rights and remedies in as full and ample a manner as have other similar corporations in this

Trustees.

State. The first members of which Board shall be, Rev. J. H. Gray, D. D., J. H. Gillespie, J. A. Rodgers, J. B. Kirtland, A. H. Caldwell, J. H. Miller, Z. Conky, J. N. Cocke, P. R. Bland, E. S. Campbell, J. B. Neely, J. B. Maclin, T. C. Stuart, Wm. A. Gray, J. W. Jones, T. G. Anderson, W. A. Hall, L. McNeely, A. Johnson, S. J. Reid, C. S. Palmore, Robt. Locke, J. L. T. Sneed, T. L. Dunlap.

**SEC. 3.** *Be it enacted,* That said Board shall continue in office the first third, one year, the second third, two years, and the remaining third, three years, and until the vacancies shall be filled by the Synod of Memphis, which shall ever after elect members of the Board annually, one third for the term of three years, except when vacancies for unexpired terms are to be filled, when the election shall be for such unexpired term; and the said Board, a quorum of two-thirds of their number being present, shall have power to fix and regulate the times of meeting, to fill vacancies until the next succeeding meeting of Synod, to elect and qualify its own officers and the officers and Professors of the College, to fix salaries, remove officers for malfeasance or nonfeasance of duty, and prescribe a course of study for the several classes of students; and to pass by-laws and statutes for their own government, consistent with the constitution and laws of this State and of the United States. But a quorum of one-third shall be competent to transact all other business of said Board under the rules and regulations previously enacted, shall have, and they are hereby invested with all legal powers and capacities to buy, receive, possess, hold, alien and dispose of any lands, tenements, and hereditaments of any kind or value, in fee, for life, or a term of years, and personal property of every kind whatsoever, and any sums of money to any amount whatsoever that may be granted, given, or bequeathed to them for the use and benefit of said College.

**Faculty—Degrees.**

**SEC. 4.** *Be it enacted,* That the President of the College, who shall be ex-officio a member and President of the Board of Trustees, and such other professors as the Trustees may appoint, shall constitute the Faculty of said College, a majority of whom shall have power, by and with the consent of the Board of Trustees, to confer the same degrees as may be conferred by any College or University in this State; shall establish a code of by-laws and statutes for the government of themselves and their pupils; and they may, for such cause as they, or a majority of them, deem sufficient, reprimand, and for continued misconduct, suspend or expel



any student, unless an appeal be taken by notice served on the Faculty, and a quorum of the Board of Trustees can be convened, which shall have jurisdiction of all questions arising under the administration of said Faculty.

SEC. 5. *Be it enacted*, That the land on which said College shall be situated, and the buildings and other property of the corporation, shall be exempt from taxation. Exempt from tax.

SEC. 6. *Be it enacted*, That no misnomer or misdescription of said corporation in any will, deed, gift, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same, but that the same shall take effect in like manner as if the said corporation were rightly named; *Provided*, it be sufficiently described to ascertain the intention of the parties.

SEC. 7. *Be it enacted*, That this act shall be deemed a public act, and as such shall be judicially noticed, without being specially pleaded in all the Courts of law and equity in this State, and take effect and be in full force from and after its passage. Public act.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed January 3, 1856.

## CHAPTER 239.

AN ACT to be entitled "An act to extend to the Chattanooga, Harrison, Georgetown and Charleston Railroad Company further time in which to enable them to obtain State aid, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the offer of State aid of ten thousand dollars per mile, heretofore made by law to the Chattanooga, Harrison, Georgetown, and Charleston Railroad, be extended for two years longer, and that the said Railroad Company, or any Railroad Company with which they may amalgamate, shall have the further time of two years to bring themselves within the provisions of the law entitling them to said State aid.

SEC. 2. *Be it further enacted*, That *whereas* a considerable portion of the bridge authorized by the act enti-

ted An act to amend the charter of the Nashville and Chattanooga Railroad Company, passed 19th January, 1850, has been recently destroyed by fire ; and *whereas* the said Railroad Company, in erecting their bridge, constructed a drawbridge, which remains in the portion not consumed by the recent burning, that the aforesaid act be so amended that the said Nashville and Chattanooga Railroad Company shall not be required to build any part of their bridge thirty feet, or at any other particular elevation above extreme high-water mark. *Provided*, they keep and maintain a good draw or revolving bridge, opening to a width sufficient to allow the free passage of steamboats and other water craft, and so as when open to leave a clear space between the piers, at the draw, of at least sixty feet.

Sec. 3. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 3, 1856.

## CHAPTER 240.

AN ACT to charter Manchester College, in Coffee County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Massey Hill, P. C. Isbell, A. B. Robertson, W. P. Hickerson, Willis Blanton, James M. Sheid, James E. Hogan, Jonathan S. Webster, F. H. Ragsdale, Hiram S. Emerson, and W. A. Hickerson, and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style of "the Trustees of Manchester College," and by that name may have succession for three hundred years, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to have and use a corporate seal, which they may alter or change at pleasure.

SEC. 2. *Be it enacted*, That the capital stock of said Company may be one hundred thousand dollars, which

the Trustees, or any number of them, may own on such terms or conditions as may be agreed upon by themselves, and said fund, or any portion of it, may be subscribed as stock purchased, received as donation, or otherwise, as the trustees of said institution may direct or determine.

Capital stock

SEC. 3. *Be it enacted*, That the Trustees may have the power and privileges of increasing their number to twenty, and they shall have power, at any meeting regularly called, to fill any vacancy or vacancies that may occur, and also to declare and make vacant the seat of any Trustee who shall absent himself for one year, or who shall refuse and fail when legally notified to attend, for five successive meetings, or who shall conduct himself in a manner not becoming the dignity and responsibility of his station; and that said Trustees shall also have authority to meet from time to time upon their own adjournment, and so often as they shall be summoned by their President: *Provided*, always, that the President shall not summons a meeting unless petitioned in writing by one-third of the members, who shall state the cause of the meeting and the business to be performed.

Powers of Trustees.

SEC. 4. *Be it enacted*, That any five of the Trustees, lawfully convened, shall constitute a quorum to transact all business except for the election of President and Trustee or Trustees, for either of which there shall be at least a majority of the whole number present.

Quorum.

SEC. 5. *Be it enacted*, That the Trustees shall have full power and authority to prescribe the course of study and discipline of the institution, and to elect from their own number, or otherwise, a President of the College, who shall be, *ex officio*, President of the Board of Trustees, and such Professors, Tutors, or other officers, as they deem necessary, and the said President, Professors, and Tutors shall constitute the Faculty of the College, to whom shall be committed the superintendence of the course of study and discipline of the institution, and the Trustees shall have full power to make, alter, or amend all by-laws for the College, not inconsistent with the laws of the United States or this State.

Faculty.

SEC. 6. *Be it enacted*, That it shall be the duty of the Trustees to attend all the examinations of the students, and publish annually a report of the progress of the College, giving the names of the officers and Trustees, number of students, and every thing which they may think necessary to promote the cause of education.

Annual Report.

SEC. 7. *Be it enacted*, That a thorough and liberal course of instruction shall be given as at any College in

Course of study.

the State, and, in addition to the usual course of English, Classical, and scientific branches at other institutions of learning, scientific Agriculture, Horticulture, and Orcharding shall be both theoretically and practically taught, and such of the Mechanic Arts as may be deemed important to the cause of general improvement, and the Trustees or Faculty may have the privilege of making such arrangements with students as may enable any number of them to pay their expenses, or any part of them, while in the institution, by their labor.

Diplomas.

SEC. 8. *Be it enacted*, That the Faculty and Trustees shall have full power and authority to grant all such literary honors and degrees as are usually granted to other institutions of learning in this State or the United States ; and in testimony of such grant, to give suitable diplomas, under the seal and the signatures of the President and Secretary of the Board, which diplomas shall entitle their possessors respectively to all the privileges and immunities which, either by usage or statute, are allowed to possessors of similar diplomas from other institutions of learning.

Location Ag'ts.

SEC. 9. *Be it enacted*, That the said Manchester College shall be established at or near the town of Manchester, in the County of Coffee, and that as soon as the location is made, the Trustees may appoint as many agents as they may think suitable, to travel and explain the objects of the institution, and perform such other service as the Trustees may think best calculated to advance the interests of the College.

SEC. 10. *Be it enacted*, That the seven Trustees first named in this act, shall have authority to call a meeting of the Board as soon as practicable, to make arrangements for the establishment of the College.

Knox's Real Estate and Loan Company.

SEC 11. *Be it further enacted*, That John Williams, John L. Moses, and W. M. Churchwell, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the "Knoxville Real Estate and Loan Company," with power to change their name and style to any other name and style, with power by that name to sue and be sued in all kinds of suits and actions, and generally to do and perform all other acts and things which bodies corporate may lawfully do ; and the said Company may have a capital stock of three hundred thousand dollars, or less, and shall have all the privileges and powers conferred upon the City Hotel Company, of the city of Nashville, by an act passed December 12th, 1831, and all the privileges and powers conferred by an act to incorporate the Jackson Hotel Company, and for

other purposes, passed February 4th, 1850, so far as the same may be applicable. *Provided*, that nothing herein contained shall be so construed as conferring banking privileges on said Company.

SEC. 12. *Be it further enacted*, That the Estanaula Turnpike Company, now composed of, and belonging to, Thomas H. Newbern, David Merriweather, and Charles Mulherrin, be and they are hereby authorized to discontinue the same at Estinaula. *Provided*, they keep up the ferry across the Hatchie River, and a good summer road through the bottom, on the west side of the river, in lieu of the levee as aforesaid.

Estanaula  
Turnpike Co.—  
Amended.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 241.

AN ACT to amend an act passed 19th January, 1848, entitled An act to amend an act passed 16th December, 1837, entitled An act to incorporate the Oak Grove Academy, in the town of Cleveland, in the County of Bradley, and also for the benefit of the Soper's Model School in Fayette County; to incorporate the Trustees of Reedy Creek Academy in Sullivan county; and to incorporate the Irving Club.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Trustees of the Female Department of Oak Grove Academy, for the establishment of a permanent Female School of a high order, in the town of Cleveland, may convey to the Cleveland Lodge, No. 134, of free and accepted masons, the entire management and control of said Female Department with the funds on hand, and all the property real and personal belonging to said Board of Trustees.

Oak Grove  
Academy may  
be conveyed to  
Masonic Order.

SEC. 2. *Be it enacted*, That the Cleveland Lodge shall hereafter be authorized to receive that portion of the Academy fund by law belonging to the Female Department of said Oak Grove Academy.

SEC. 3. *Be it enacted*, That said Lodge shall have power to acquire by purchase, donation, or bequest, any further real or personal property, and hold the same for the special use of said Female School.

SEC. 4. *Be it enacted*, That the name and style of

**Name changed.** said school shall be "The Cleveland Masonic Female Institute," and the members of said Cleveland Lodge, No. 134, shall be and are hereby constituted the Board of Trustees for the same.

**Reversion.** *Sec. 5. Be it enacted,* That whenever said Lodge shall fail to maintain such a school as is contemplated by this act, the control and management of the same shall revert to the Trustees of the Female Department as aforesaid, and they shall be reinvested with the same rights and privileges they now have by law.

**Sommerville Model School amended.** *Sec. 6. Be it enacted,* That Section (13) thirteen of an act passed March 1, 1854, be so amended that the following named persons, to wit: John C. Cooper, Wm. Burton, Joel S. Pulliam, A. M. Shaw, Geo. W. Reeves, John D. Stanley, J. Higgason and R. N. Nesbitt, be appointed in the place and stead of the Trustees, and the persons therein specified to act as commissioners to open books for subscription of stock.

*Sec. 7. Be it enacted,* That all the power and privileges, rights, advantages, and emoluments as are conferred in section twelve of the aforesaid act, shall be granted to the aforementioned Model School upon a consent of the original Trustees of said school to such change.

**Reedy Creek Academy.** *Sec. 8. Be it further enacted,* That Samuel D. Gains, K. G. Vaughn, James G. Hicks, Jr. Isaac C. Anderson, W. F. Hicks, Joseph Newlang, and Thomas Fain, be and they are hereby constituted a body politic by the name of the Trustees of the Reedy Creek Academy, to be situated at or near Arcadia in Sullivan County, and said Trustees and their successors shall have perpetual succession and be capable in law, or otherwise, to purchase, receive and hold to themselves and their successors, any lands tenements, goods or chattles which may be given, granted or devised to them, or purchased for the use and benefit of said Academy, and the said Trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in any Court of law or equity, in this State or elsewhere.

**Powers of Trustees.** *Sec. 9. Be it enacted,* That the Trustees aforesaid and their successors, shall have power to hold such meetings at such times and places as they may think proper, to elect one of their number President, one Secretary, and one Treasurer, of said Board and to fill vacancies that may happen by death, resignation or otherwise, but not less than a majority of said trustees shall constitute a quorum to do business relating to the interest said Academy.

**SEC. 10.** *Be it enacted,* That said Board of Trustees shall have power to make such regulations, relative to said Academy and the Government thereof and their own proceedings, as a majority of said Board may deem right and proper, *provided,* they are not inconsistent with the constitution and laws of the State of Tennessee.

**SEC. 11.** *Be it further enacted,* That Burwell W. Willis, William D. Morton, Andrew Woods, Samuel B. Ford, Evan Shields, and William W. Foster, and any other associates, and their successors, be, and they are hereby incorporated and constituted a body politic and corporate, by the name and style of the "Irving Club," for the purpose of mutual improvement in the arts and sciences, with constitution and by-laws as may be thought proper for its government, provided the same be not inconsistent with the Constitution or laws of the United States, or the State of Tennessee.

Irving Club.

**SEC. 12.** *Be it further enacted,* That said corporation may have and use a common seal, may sue and be sued, plead and be impleaded, answer and be answered, in any Court of law or equity in this State, or elsewhere, and may hold and keep any books, maps, charts, apparatus, or any other property which may be given, granted or devised to them, whether real, personal or mixed, not exceeding ten thousand dollars in value, and may sell and convey the same at pleasure, and may in general exercise all powers belonging to corporate bodies for the purpose of promoting science, and disseminating useful knowledge.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.



## CHAPTER 242.

AN ACT to charter the Flat Creek Female Academy in Bedford County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Shook, Elisha Bobo, W. J. Gordon, T. P. Wells, and Watson Floyd, shall be, and they are hereby, appointed a body politic and corporate under the style and title of the "Flat Creek Female Academy," and shall have perpetual succession, and a common seal; and that they and their successors, and such others as may be associated with them, by the name aforesaid or by such other name as the Trustees may adopt, shall have; and are hereby invested with, all legal powers to buy, receive, possess, hold, and dispose of, any property for the use and benefit of said institution; and may sue and be sued, and commence and prosecute any legal process or processes and have the same instituted against them, in any court of record.

Quorum, and  
powers of Trust-  
ees.

SEC. 2. *Be it enacted*, That three Trustees shall constitute a quorum; and the said Trustees shall have full power to establish such departments in the institution, as may be useful, and to elect such officers, professors, or teachers, as they may deem necessary to secure the object of the institution; and, also, to make such by-laws and regulations as by them may be considered necessary: *Provided*, that the same be not inconsistent with the Constitution of the United States, or of this State.

Vacancies.

SEC. 3. *Be it enacted*, That upon the death, resignation, or removal, of any of the Trustees, the vacancy thereby occasion may be filled by the remaining Trustees, or a quorum of them.

Degrees and  
honors.

SEC. 4. *Be it enacted*, That the Trustees shall meet as often as they may deem necessary, and that the officers, professors and teachers, shall, with the advice and consent of the Trustees, confer on any student in the institution, or on any proper person or persons, any degree or honors, that are known and used in any like institution in the United States, or of this State.

SEC. 5. *Be it enacted*, That the present Board of Trustees, named in this act, may by said members of the Board, be increased to twelve.

SEC. 6. *Be it enacted*, That no misnomer or misdescription of said corporation in any deed, will, gift, grant, devise, or other instrument of contract or conveyance, shall vitiate the same; but that the same shall take effect in like manner as if the corporation were

rightly named : *Provided*, it be sufficiently described to ascertain the intent of the parties.

SEC. 7. *Be it further enacted*, That Mark Whitaker, Thos. B. Yeates, William Thomison, Jephtha Shofner, and James W. Holman, of the County of Lincoln, are hereby created a body politic, under the name and style of the "Greenwood Female Academy," with all the rights, powers, and privileges, which are conferred by the above act. Greenwood Female Academy.

SEC. 8. *Be it further enacted*, That said Greenwood Female Academy shall be located in or near the village of Mulberry, Lincoln County, and said act shall take effect from and after its passage. Location.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 243.

AN ACT to amend the charter of the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in the assessment of taxes of the property of the city of Nashville, it shall be the duty of the Assessor or Assessors, to call upon the President or the Cashier of any stock bank, insurance, or other incorporated company, located in said city, for a list of the names and amount of stock owned in said institution by persons resident in the city ; and it shall be the duty of such President or Cashier, on such demand, to furnish such Assessor or Assessors with such list. A assessment of stock.

SEC. 2. *Be it enacted*, That the Mayor and Aldermen of Nashville, shall have power, on the written petition of a majority of the free white men owning property or residing adjacent to the present limits of

Extension of  
corporate limits

said city, to extend the corporate bounds over any contiguous block or territory; and the portion of land thus included, shall form a part of the city as if originally incorporated—the consent of a majority of the voters of the said city being first regularly obtained: *Provided, however,* that an abstract of the petition with the names of petitioners, shall be published in some newspaper in the city, two weeks before the incorporation, and that a survey be made of the ground to be incorporated, and two plats thereof be made, one of which shall be spread upon the minutes of the Board, and the other upon the Register's book of the County.

County taxes  
on privileges to  
be paid to City  
Treasurer.

SEC. 3. *Be it enacted,* That the portion of the County revenue of Davidson County, collected by the Clerk of the County Court from privileges exercised in the limits of the city, be paid over to the Treasurer of the city of Nashville, instead of the County Trustee; and that the Clerk of the County Court, and his sureties on his bond, be liable to a motion in the name of the Mayor and Aldermen of the city of Nashville therefor, on failure to pay over and account for the same.

County tax to  
be paid same  
way.

SEC. 4. *Be it enacted,* That the County tax hereafter collected within the city of Nashville, shall be paid over directly by the Collector of the County revenue to the Treasurer of said city: *Provided,* that the corporation of Nashville shall pay its proportion of the expenses of the County, Circuit and Criminal Courts, so far they are a charge upon the County.

State school  
fund and Coun-  
ty school tax to  
be paid same.

SEC. 5. *Be it enacted,* That the portion of the school fund of the State to which the citizens of Nashville are entitled under the apportionment thereof, and that portion of the school tax levied by the County to which said citizens are entitled, be paid over to the Treasurer of the Corporation of said city in aid of their system of common schools.

Work-house  
wages and tax  
upon slaves.

SEC. 6. *Be it enacted,* That the Mayor and Aldermen of Nashville shall have power to fix and regulate the different compensations of persons sent to the work-house: *provided, however,* that no person shall be sentenced to a longer period of punishment than three months, for any single offence. They shall also have power to levy a tax upon all negroes found laboring for wages within the corporation, either for themselves or for their owners: *Provided,* that such tax shall not exceed in amount the tax levied upon slaves listed by inhabitants of the city.

Deputy Mar-  
shall may exe-  
cute State war-  
rants.

SEC. 7. *Be it enacted,* That the Deputy Marshall of Nashville, created such by ordinance of the City Council, shall have the same power to execute State

warrants and other criminal process within the limits of the corporation, that Constables have by the laws of the State.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 23, 1856.

## CHAPTER 244.

AN ACT to charter the Duck River Valley Railroad, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby constituted by the name and style of the Duck River Valley Railroad Company, for the purpose of constructing a Railroad from Shelbyville, in the county of Bedford, running on the north side of Duck River to a point intersecting with the Tennessee and Alabama Railroad, on the north side of Duck River, in the county of Maury. Said Company shall have all the rights, powers, and privileges, and be subject to all the liabilities and restrictions conferred and imposed in the charter of the Nashville and Chattanooga Railroad Company, except as hereinafter provided.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be two hundred and sixty thousand dollars, which may be increased or reduced to an amount sufficient to construct said road; which stock shall be divided into shares of one hundred dollars each. Capital Stock.

SEC. 3. *Be it enacted*, That Duncan McRae, Ezra Hardison, William S. Hurt, Thomas A. Leftwick, Pleasant J. Aiken, William Lee and W. W. Miller, of Maury; and B. C. H. Miller, J. B. Fulton, Hardiman Holt, J. M. Knight and R. G. Baker, of Marshall county, William Little, Robert Mathis, Sandy Moor, Thos. Jeffries and J. Moor, of Bedford county, are hereby created a Board of Commissioners to manage the affairs of said company, until it shall be fully organized by the election of a Board of Directors. Said commissioners, or any seven of them, shall have full power to act; said commissioners are hereby authorized to open books for stock in said company at such times and places as they may deem advisable after giving due notice, at least ten days, of said Commissioners.

meetings, and so soon as one hundred and twenty thousand dollars of stock shall be taken in the counties of Bedford, Marshall and Maury, said commissioners shall call a meeting of the stockholders in said company, at Chapel Hill, in Marshall county, after giving ten days notice thereof in the several newspapers printed at Shelbyville and Columbia; said company shall elect a board of fifteen directors, who shall be equally divided in said three counties, and shall be stockholders in said company; said directors shall elect one of their own number President, and shall also elect such other officers as may be deemed advisable, and shall proceed to construct said railroad from Shelbyville to said point of intersection with the Tennessee and Alabama Railroad.

SEC. 4. *Be it enacted*, That said company shall have power to form a connection with the arm of the Nashville and Chattanooga Railroad at Shelbyville.

Bedford, Marshall and Maury counties, may take stock.

SEC. 5. *Be it enacted*, That the respective County Courts of the counties of Bedford, Marshall and Maury, are hereby authorized and empowered to subscribe whatever amount of stock in said company as said courts may deem advisable, provided that neither of said County Courts shall so take stock until the question of taking the same shall have been first submitted to the voters of their respective counties, and said vote shall be taken and determined as now provided by law.

SEC. 6. *Be it enacted*, That the said County Courts shall, in the subscription and collection of the tax authorized by this act, to be governed by the laws now in force, and the citizens of said counties shall be entitled to all the rights and privileges now secured by law to citizens of those counties who may subscribe stock to any railroad company.

SEC. 7. *Be it enacted*, That nothing in this act shall entitle said railroad company to the aid of the State, or to the use of State bonds in its construction.

Louisville and Memphis Air Line Company, further time.

SEC. 8. *Be it enacted*, That the act of 1853, chapter 306, entitled "an act to incorporate the Great Central North and South Railway," passed the fifth of December, 1853, be so amended as to extend the time allowed the Louisville and Memphis Air Line Railroad Company to begin the construction of their road four years from and after the passage of this act, and said act of 1853 is hereby further amended so as to authorize the Louisville and Memphis Air Line Railroad Company to organize whenever thirty thousand dollars of the capitol stock is *bona fide* subscribed.

SEC. 9. *Be it enacted*, That Jno. McClish, Sam'l L. Gentry, John A. Lisenby, H. E. Ring, W. B. Williams,

W. B. Cherry and Isaac Williams, of Stewart county, Tennessee, be added to the original Board of Commissioners appointed for said Railroad Company, by the 38th section of said act of 1853, chapter 306, and a majority of said board residing in the county of Stewart, shall have the same powers and authority as is given to a majority of the board named in said 38th section. Additional Commissioners.

SEC. 10. *Be it enacted*, That the Tennessee and Alabama Railroad Company is hereby authorized to issue their company bonds to an amount not exceeding two hundred thousand dollars, to be made payable in not less than thirty nor more than forty years, at such place, in or out of Tennessee, as the President and Directors of said company may designate, and when such bonds are so issued, it shall be the duty of the Governor of this State to endorse and guarantee in the name of the State of Tennessee, the payment of said bonds of the Tennessee and Alabama Railroad Company when issued; *Provided*, however, that said bonds shall only be issued and endorsed as herein provided upon the condition, that said company shall make the town of Columbia a point on said road; and that the citizens of Maury county shall take and subscribe stock in said road to an amount sufficient to do the local work thereon from the present terminus of said road opposite to Spring Hill, to the town of Columbia, the bridge across Duck River excepted. But if the citizens of Maury county shall fail or refuse to make the subscription of stock as herein provided within six months, then and in that event, the said Tennessee and Alabama Railroad Company shall not be required to make the town of Columbia a point in the road as a condition to having their bonds endorsed as aforesaid: said endorsement shall be made on the same conditions, liens, restrictions and liabilities, as the endorsement of the bonds of the East Tennessee and Virginia Railroad Company, as specified in an act passed the 21st day of February, 1856, *provided*, that before the bonds of said company shall be endorsed, it shall be made to appear that the whole of the stock in said road has been taken by good solvent stockholders, and provided the State shall have a lien upon the road, fixtures, and stock, from Nashville to the Alabama Line. Tennessee and Ala. R. R. Co. may issue bonds, to be endorsed by the State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 245.

AN ACT to change the manner of holding elections in the City of Nashville

Polls to be opened in each ward.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all elections hereafter to be held in this State, it shall be the duty of the Sheriff or other officer holding said election, to open polls and receive votes in each ward of the City of Nashville, in stead of at one point in said city, as is now the case.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage; and that all laws or parts of laws conflicting with this be, and they are hereby, repealed.

SEC. 3. *Be it further enacted*, That the County Court of Davidson County, shall appoint, as soon as convenient, some suitable place in each of said wards, for said elections to be held.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 8, 1855.

## CHAPTER 246.

AN ACT to authorize the election of an additional Justice of the Peace in the Ninth Civil District of Blount County; to authorize the town of Bristol in Sullivan County to elect three Justices of the Peace; to incorporate the town of Allstonia, in the County of Franklin, and to authorize the election of an additional Justice of the Peace for said town; to authorize the election of a Magistrate in the town of Calhoun, in McMinn County; to alter the corporate limits of the town of Maryville; to authorize the election of two additional Magistrates in the city of Nashville, Davidson County; to give the Constable of the town of Newport the same powers as other Constables of Cocke County; to confer upon the town of Wartrace, in the County of Bedford, the privileges of this act; to authorize the town of Sevierville, in Sevier County, to elect an additional Justice of the Peace; to authorize the Sheriff of Monroe County to appoint an additional Deputy; to amend the act incorporating the town of Louisville, in Blount County; and for other purposes.

Whereas, The town of Maryville is incorporated and located in the Ninth Civil District of Blount County; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the qualified voters of the town of Maryville, in the Ninth



Civil District of Blount County, one additional Justice of the Peace.

SEC. 2. *Be it enacted*, That the Sheriff of Blount County shall open and hold an election, at the Court-house in the town of Maryville, after giving the notice required by the existing law to elect said Justice, and who shall forever afterwards be elected as other Justices of the Peace for said County of Blount.

SEC. 3. *Be it further enacted*, That the qualified voters of the town of Bristol in the Second Civil District in Sullivan County shall, from and after the passage of this act be authorized to elect three Justices of the Peace for said District and County, according to the law now in force providing for the election of said officers in this State.

Bristol may  
elect three Jus-  
tices of the  
Peace.

SEC. 4. *Be it further enacted*, That the town of Alisonia in the County of Franklin be, and the same is hereby, incorporated under the name of the town of Alisonia, whose boundaries shall be co-extensive with the lands owned by James, William, and Robert Deery.

Alisonia incor-  
porated.

SEC. 5. *Be it enacted*, That said town, thus incorporated, shall have and enjoy all the rights and privileges, and be subject to all the restrictions, now enjoyed by the various acts incorporating the town of Winchester.

SEC. 6. *Be it enacted*, That the two Constables of the Civil District, in which said town is situated, shall on the first Saturday in April, 1856, open and hold an election for a Board of Aldermen, which Board shall consist of five members, who, when elected and organized, shall elect one of their number Mayor of said town.

Election.

SEC. 7. *Be it enacted*, That the Justice provided to be elected in the eighth section of this act by the town of Alisonia, shall be elected by the qualified voters in said town.

Mode of elect-  
ing Justice of the  
Peace.

SEC. 8. *Be it further enacted*, That the town of Alisonia, Franklin County, be entitled to elect a Justice of the Peace, being an additional Justice of the Peace for said county; that the citizens of the said town, and all living within one mile of the boundaries of said corporation, be entitled to vote in said election; that the first election shall take place on the first Monday in April, 1856.

Additional Jus-  
tice of the Peace

SEC. 9. *Be it further enacted*, That the qualified voters of the town of Calhoun, McMinn County, are hereby authorized and empowered to elect a Magistrate in said town, in addition to the number heretofore allowed said district, in which said town is situated, the election to be held on the first Saturday of March, 1856, under the same rules and regulations that now govern district elec-

Calhoun may  
elect Magistrate

tions, and such Magistrate so elected and commissioned, shall have and exercise all the powers of other Magistrates in said County.

Maryville corporate limits altered.

SEC. 10. *Be it further enacted*, That the corporate limits of the town of Maryville be so altered as to exclude the dwelling-house and ten acres of cultivated lands adjoining and surrounding the said dwelling of J. M. Coffin, in the County of Blount.

Two additional Magistrates in Davidson County.

SEC. 11. *Be it further enacted*, That there be elected by the qualified voters of Nashville, in Davidson County, two additional Magistrates,—said elections to take place at such times as now designated by law for the election of said officers.

Town Constable of Newport.

SEC. 12. *Be it further enacted*, That the Town Constable of the town of Newport, shall have the same powers as other Constables of Cocke County.

Town of Wartrace.

SEC. 13. *Be it further enacted*, That the town of Wartrace, in Bedford County, be entitled to like privileges with the above act and amendments.

Sevierville additional Justice of the Peace.

SEC. 14. *Be it further enacted*, That the town of Sevierville, in Sevier County, be authorized to elect an additional Justice of the Peace; and the election of said Justice shall be held in the town of Sevierville, on the first Saturday of April next. Said Justice shall be elected by the qualified voters of the town of Sevierville.

Sheriff of Monroe may appoint additional Deputy.

SEC. 15. *Be it further enacted*, That the Sheriff of Monroe County is hereby authorized to appoint one additional Deputy.

Louisville corporate limits changed.

SEC. 16. *Be it further enacted*, That the acts heretofore passed, incorporating the town of Louisville, in the County of Blount, be so amended as to exclude a field of eight acres of land, lying north-east of the town of Louisville, formerly belonging to John Sparger—now belonging to Henry Burrum.

Justices' jurisdiction.

SEC. 17. *Be it further enacted*, That the Justices to be elected under this act, shall have and exercise jurisdiction co-extensive with other Justices of the County in which they reside: *Provided*, that this act shall not authorize any town, not being a County Seat, to have more than one Justice of the Peace.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM

*Speaker of the Senate.*

Passed February 23, 1856.

## CHAPTER 247.

AN ACT to amend the first section, chapter 1, of an act passed in the year 1804.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of an act passed in the year 1804, chapter 1, be so amended that hereafter Justices of the Peace in this State, shall have full power to issue a subpœna or subpœnas, for the attendance of a witness or witnesses, to appear before any Justice of the Peace within his County, before whom any suit or suits may be pending, in the same manner that Justices of the Peace now have by virtue of said act of 1804, to issue the same returnable before themselves.

Magistrates  
may issue sub-  
pœnas returna-  
ble before any  
other Magistrate

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 18, 1856.

## CHAPTER 248.

AN ACT to amend the act of 1853-4, chapter 181, to alter the line between Knox and Jefferson Counties ; and to alter the County line between the Counties of Coffee and Grundy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of Grundy and Marion be so altered as to embrace Benjamin Wooten, in the County of Grundy, as follows :—Beginning at Byrd Summers's, running with the road leading from Byrd Summers's to Benjamin Wooten's, crossing the County line, running so as to leave all the lands of Benjamin Wooten in Grundy County ; thence to Bradshaw's old saw-mill ; thence with the creek to a line run by the Surveyor of Marion and Grundy Counties ; and thence with said line to a white oak on the old line near the Cotton place.

Line between  
Grundy and Ma-  
rion changed.

SEC. 2. *Be it enacted*, That the following of the first section of the act of 1853-4, chapter 181, be, and remains in full force, that the County line between Grundy and Marion be so changed :—Beginning on the south-east corner of Grundy County, running a north-

eastwardly course to the Cotton place; and that the survey of the Surveyor up to that point be valid only; the remaining section and sections, which relate to Grundy and Marion, being the balance of sections one, two, and three, be, and the same is hereby repealed.

SEC. 3. *Be it enacted*, That the citizens thus stricken off from Marion County and attached to the County of Grundy, be entitled to all the rights and privileges, both in law and equity, as the citizens of Grundy are now entitled to: *Provided*, that in case there should be a new County formed out of the upper end of Marion County and the lower end of Bledsoe County, then, and in that case, Grundy County shall spare as much of her County as she can without interfering with her Constitutional limits.

Knox  
Jefferson  
changed.

and  
line

SEC. 4. *Be it further enacted*, That the County line between the Counties of Knox and Jefferson, be so changed as to include the farm of Thomas Stringfield in the County of Jefferson.

Coffee  
Grundy  
changed.

and  
line

SEC. 5. *Be it further enacted*, That the County line of Coffee and Grundy Counties, be so altered as to include the lands of Mary E. Nevill and Poleyney Nevill in the County of Coffee.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 27, 1856.

## CHAPTER 249.

AN ACT to amend an act chapter 323, section 5, entitled "An act to incorporate the Nashville and Memphis Railroad Company, and for other purposes," passed February 28, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proviso contained in the fifth section, chapter 323, of an act passed February 28, 1854, be, and the same is hereby repealed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed December 3, 1855.

## CHAPTER 250.

AN ACT to amend an act entitled An act to authorize and regulate the business of banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no Bank shall hereafter organize under the Free Banking law of this State, passed February 12, 1852, until the sum of one hundred thousand dollars of the lawful currency of the United States of America, is "*bona fide*," subscribed and paid in, and for this purpose, the Governor of the State shall appoint upon application for organization, five commissioners, resident of the County where the Bank is to be located, whose duty it shall be to open books, receive the subscriptions, collect the money, and hand over the same to the Treasurer and Comptroller of the State, under whose superintendence the bonds shall be purchased.

\$100,000 to be  
subscribed.  
Commissioners  
to open books.

SEC. 2. *Be it enacted,* That no part of the original capital paid in shall be withdrawn, either directly or indirectly, neither by discount to stockholders or otherwise, in any way to evade the full force and intention of this section. A failure to comply with this provision shall be deemed a violation of the Charter of any Bank, so diminishing its capital, and the Comptroller upon proof of the same is authorized and directed to put said bank or banks immediately into liquidation, as in case of suspension, according to the provisions of said act passed February 12, 1852.

Capital not to  
be diminished.

Penalty.

SEC. 3. *Be it enacted,* That should the bonds of this State, or any other bonds authorized to be used for the purpose of Banking, decline and remain below par, in the city of New York, for thirty days as shown by the sales of the stock board in that city, it shall be the duty of the Comptroller, and he is hereby authorized and directed to retain the interest which has or may accrue on such bonds as are deposited with him, until an additional amount of bonds are deposited, as will fully make good the par value of said bonds.

Par value of  
Bonds to be kept  
good.

SEC. 4. *Be it enacted,* That in the event of such depreciation, the Comptroller is hereby authorized and directed to give notice to all such banks as have deposited said depreciated bonds, and upon their refusal or failure to make the required additional deposit of bonds, or return and surrender an amount of their circulating notes countersigned by the Comptroller equal to the depreciation on said bonds, within the sixty days after receiving said notice, it shall be the duty of said Comptroller, and he is hereby directed to proceed at once to

Duty of Comptroller in case  
bonds depreciate.

take charge of the assests of said bank or banks, and wind it or them up, as in case of suspension in accordance with said act passed February 12, 1852.

Free Banks  
must have ten  
Stockholders.

SEC. 5. *Be it enacted*, That no banks shall hereafter organize under the free banking law of this State without at least ten *bona fide* stockholders, who shall be residents of this State, and said bank shall not at any time contain a less number of stockholders than ten, and a majority of the stock must at all times be owned *bona fide* by actual residents of the State; and it shall be the duty of the Cashier or President of all banks doing business under this law to report under oath in their semi-annual report, the name, residence and amount of stock owned by each stockholder.

Comptroller to  
sell bonds of  
Banks suspend-  
ed.

SEC. 6. *Be it enacted*, That the Comptroller is hereby directed and empowered, by and with the consent of the Governor and Secretary of State to sell the bonds deposited with any bank, which may suspend or may be put into liquidation, for violating any of the provisions of the free banking law, in the city of New York, at public auction after giving thirty days notice in at least two prominent daily newspapers, and in the same number published in this State.

Comptroller to  
give notice of  
liquidation.

SEC. 7. *Be it enacted*, That should any bank or banks organized under the free banking law of this State, be put into liquidation for a violation of any of its provisions, or by the voluntary act of the stockholders, it shall be the duty of the Comptroller to give notice to the note holders in one newspaper published in Nashville, and one in the County where the bank is located (if any) of such liquidation at least once a month for two years; and if, at the end of that time, all the circulating notes have not been redeemed, he is authorized to hand over the remaining assests, including bonds, to the stockholders, if in case of voluntary liquidation, or distribute the same, or the proceeds thereof among the creditors, in case of involuntary liquidation.

Decrease or  
increase circu-  
lation.

SEC. 8. *Be it enacted*, That any bank organized under this act may increase or decrease its circulating notes at pleasure by withdrawing or increasing its bonds, in the hands of the Comptroller, *provided* the amount of bonds is never diminished below one hundred thousand dollars, nor increased above three times the amount of paid in capital.

Penalty for vi-  
olation of this  
law.

SEC. 9. *Be it enacted*, That the violation of any section or sections of this act shall be deemed a forfeiture of such bank or banks charter, and upon proof of same the Comptroller is hereby directed to proceed to

put such bank or banks into liquidation, as in case of suspension.

SEC. 10. *Be it enacted*, That should any bank organized under the provisions of this act or the act that this is intended to amend, fail to redeem its issues and have to be wound up, any person or persons holding one thousand dollars of the notes of said bank may present them to the Comptroller and receive from him in lieu of said notes one thousand dollars, six per cent coupon bonds, at the New York market value, *provided* that the same is not under par.

Note holders may take bonds in case of suspension.

SEC. 11. *Be it further enacted*, That all persons exercising the privilege of banking under the provisions of the act this is intended to amend shall not be authorized to discount or shave notes directly nor indirectly at a greater discount than the other banks are allowed under existing laws, and a violation of this section shall forfeit all rights of banking, under this act, and shall also be declared guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, for each and every offence.

Notes of discount.

SEC. 12. *Be it further enacted*, That the Comptroller is hereby authorized to have constructed in his office, a vault for the safe keeping of the notes of the free banks and State bonds, placed in his hands to be signed, or on final deposit of said notes.

Comptroller to see vault.

SEC. 13. *Be it enacted*, That it shall be the duty of the Comptroller to keep in his office a well bound book, in which he shall enter the number and amount of all bills issued, under the free banking law of this State, which may be filed with said Comptroller for final settlement.

Comptroller to record book of bills issued.

SEC. 14. *Be it further enacted*, That the bonds required to be deposited with the Comptroller by virtue of this act and the act which this is intended to amend, shall be placed upon deposit in the Bank of Tennessee, and that no notes shall be countersigned or issued to any person, bank or association until this is first done.

Bonds to be deposited in Bank of Tennessee.

SEC. 15. *Be it further enacted*, That the bonds so deposited shall be subject to the order of the Comptroller only for the purpose of carrying into effect this act and the act which this is intended to amend.

SEC. 16. *Be it further enacted*, That the provisions of this act shall apply to those Banks which are already organized under the Free Banking Law, as fully as to those which may hereafter organize under the same; so far as the same can be done without infringing their vested rights.



**Sec. 17.** *Be it enacted, That this act take effect from and after its passage.*

**NEILL S. BROWN,**

*Speaker of the House of Representatives.*

**EDWARD S. CHEATHAM,**

*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 251.

**AN ACT** authorizing the County Court of Gibson County to sell the State's interest in the Forked Deer Turnpike Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That the County Court of Gibson County is hereby authorized and empowered to sell or dispose of the State's interest in the Forked Deer Turnpike Company, in such manner and on such terms as they may deem best for the interest of the State, and report the sale, and pay the funds arising from such sale (if any) into the Treasury of the State.*

**NEILL S. BROWN,**

*Speaker of the House of Representatives.*

**EDWARD S. CHEATHAM,**

*Speaker of the Senate.*

Passed February 28, 1856.

## CHAPTER 252.

**AN ACT** to incorporate the Nashville and Memphis United States Mail Packet Line, the Memphis and New Orleans Steam Packet Company, and to incorporate the Jackson Life and General Insurance Company, and for other purposes.

**N. and M. U. S.  
Mail Packet  
Line—powers.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That Ammon L. Davis, O. W. Davis, Washington Weaver, and J. D. Taylor, their associates and successors, are hereby incorporated and constituted a body politic and corporate, with power for*

twenty years to employ the capital of said Company in transporting Passengers, Produce, Manufactures, &c., on the Cumberland, Ohio, and Mississippi Rivers, from Nashville to Memphis, and all other points or places on said Rivers, by Steamers, Keel Boats, Lighters, or otherwise, buying and building boats and other water craft for this purpose, and holding and owning Wharves, Wharf Boats, Houses and Lots for carrying on their business, or other property taken in payment or security of debts due them, and to be known by the name and style of "The Nashville and Memphis United States Mail Packet Line," to have and use a common seal, and change it when desirable, to sue and be sued, to have succession, and carry on operations of the said Company under the usual rules and liabilities of incorporated Companies.

SEC. 2. *Be it enacted*, That the capital stock of said Company at its formation shall be not less than seventy-five thousand dollars, to be divided into shares of one hundred dollars, and may be increased by the vote of a majority of the stockholders to one hundred and fifty thousand dollars at any subsequent period, and the Boats, Tackle, Wharf Boats, &c., now owned by the Corporators, may be taken at a valuation by the stockholders as a part or the whole of the stock required for organization, being credited on the books of said Company as so much stock paid in. Shares of stock shall be regarded as personal estate, be transferable alone on the Books after their amount is paid up; stock when unpaid after thirty days notice to the holder or owner, may, if unpaid, be declared forfeited, or suits instituted for its recovery.

Capital Stock.

SEC. 3. *Be it enacted*, That the officers of said Company shall consist of a President and three Directors, each of whom shall be the owner of one thousand dollars worth of stock, and who, or any three of them, shall constitute the Board of Directors, each being entitled to a vote, and in case of a tie, the President to give the casting vote. The Board may make any by-laws or rules for the government of their action not inconsistent with this Charter, the laws of the United States, or of this State. The Directors and President shall be elected by the stockholders, they designating the President on their ticket; and each share under forty shall be entitled to one vote, and every five shares over forty to one vote.

Officers.

SEC. 4. *Be it enacted*, That after the Books are opened and seventy-five thousand dollars are subscribed, the majority of the stockholders shall designate by writing

Elections.

to A. L. Davis, or any other of the persons incorporated, a place and time for the first election of President and Directors, which election shall be held by a magistrate of Davidson County, and certificates of election given by him thereof. Subsequent elections shall be held by the order of the Board annually. The business affairs of the Company may be transacted at one or more places regularly as the Board may direct. Thirty days notice of the time and place of each election to be given. In case of the death or resignation of the President or any Director, his place may be filled by the Board.

Dividends, &c.

SEC. 5. *Be it enacted*, The Board may appoint the President or a Committee to manage the ordinary affairs and business of the Company. Dividends may be declared annually or semi-annually, and paid over, except enough to meet debts and expenses. Money may be borrowed, notes given, &c., to build boats, pay loans, or other expenses. The Board shall render annual statements to the stockholders of the condition of its affairs.

SEC. 6. *Be it enacted*, That this Company shall have and exercise no exclusive privilege in Navigation, nor any rights superior to individuals in all things relating to this Navigation.

M. and N. O.  
Steam Packet  
Company.

SEC. 7. *Be it further enacted*, That C. B. Church, J. W. Goslee, and their associates in office, be, and hereby are constituted a body politic and corporate, by the name and style of the "Memphis and New Orleans Steam Packet Company," with all the rights, powers, and privileges and restrictions as are contained in the foregoing act, and that the first election under the same shall be held by a Magistrate of Shelby County in like manner as is prescribed in the fourth section of this act.

Capital.

SEC. 8. *Be it further enacted*, That the said Memphis and New Orleans Steam Packet Company be authorized to increase their capital stock to five hundred thousand dollars.

Jackson Life &  
General Insur-  
ance Company.

SEC. 9. *Be it further enacted*, That John S. Miller, George N. Harris, James Murrell, John W. Campbell, William E. Butler, Robert J. Chester, William H. Stephens, John M. Parker, and Henry W. McCony, their associates and successors, be, and they are hereby created a body corporate and politic, by the name and style of the Jackson Life and General Insurance Company, with the same powers, privileges, rights, and exemptions as are conferred on the Memphis Life and General Insurance Company by an act passed March 2, 1851; except that the shares shall be twenty-five

dollars each, and that five dollars shall be paid at the time of subscribing ; that the books shall be kept open until twenty thousand dollars shall be subscribed, and that said Company may be organized and elect officers, whenever twenty thousand dollars shall be subscribed.

SEC. 10. *Be it further enacted*, That the persons named in the foregoing section are hereby appointed Commissioners under this act, to open books of subscription ; and further, that the word "Jackson" shall be substituted for the word "Memphis," wherever it occurs in said act, when necessary to apply the foregoing act to the Jackson Life and General Insurance Company hereby incorporated.

Commissioners;  
&c.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 15, 1856.

## CHAPTER 253.

AN ACT to create and regulate the office of County Judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected, by the qualified voters of every county in the State, a person learned in the law, to be styled the County Judge, who shall hold his office for the term of four years from the date of his commission, except the first Judge elected under the provisions of this act, who shall hold his commission until the next regular election in 1860, or until his successor shall be elected and qualified.

Election.

SEC. 2. *Be it enacted*, That the first election of County Judge shall be held at the same place, by the same officers, that county elections are held, on the first Saturday of May, 1856, and under the same regulations prescribed for county elections. All subsequent elections shall be held at the same time and place of the county elections ; except elections to fill vacancies, which may be held at any time, upon proper notice.

First election.

SEC. 3. *Be it enacted*, That the County Judge shall be commissioned in the same manner as other Judges of the State ; and before entering upon the duties of the office, he shall take an oath to support the Constitution

Commission.  
qualifies.

of the United States, and the Constitution of the State of Tennessee; and an oath faithfully to discharge the duties of said office.

Quorum Court  
abolished.

SEC. 4. *Be it enacted*, That the Quorum Court of the County, is hereby abolished; and the County Judge shall have and exercise all the jurisdiction and powers now belonging to said Quorum Court. He shall preside over the County Court at its Quarterly Sessions, which shall be held as heretofore, and shall have and exercise the same powers, jurisdiction, and authority which now belongs to, or is exercised by, the Chairman of the County Court, and shall perform the same duties as are required by said Chairman, either in or out of said County Court, whether in session or not.

Regular Ses-  
sions.

SEC. 5. *Be it enacted*, That the County Court, to be held by the County Judge, shall hold its regular sessions on the first Monday of each month. *Provided*, that on the Mondays of the Quarterly Sessions of the County Court, all business requiring the presence of all or any of the Justices of the County shall be first disposed of, after which the County Judge shall dispose of such other business before the Court as by the provisions of this act is directed to be attended to by him; and said Court shall sit from day to day, so long as the business thereof may require.

Jurisdiction—  
Appeal.

SEC. 6. *Be it enacted*, That all the jurisdiction and power of the present County Court over administrators, executors, guardians, wards, trustees, wills, dower, and partition, sale or division of lands and negroes, and of all testamentary and administrative matters, or subjects connected therewith, and questions of lunacy, is abolished, and the same is hereby transferred, and given to the County Court, to be held by the County Judge, who shall have all the jurisdiction, power, and authority now exercised or possessed by the County Court over all these questions; and all other jurisdiction, power, and authority, over all these subjects, which may be necessary and proper in the exercise thereof. *Provided*, that either party may have the right of appeal from any judgment, order, decree, or action of said County Judge as is allowed now by the laws of this State in other causes.

SEC. 7. *Be it enacted*, That the County Clerk shall be, and continue the Clerk of the County Court to be held by the County Judge, and shall have all the powers, jurisdiction, authority, and power, now possessed by him.

SEC. 8. *Be it enacted*, That the County Judge shall be the accounting officer and general agent of the coun-

ty; and, as such, he shall have power, and it shall be his duty: 1. To have the care and custody of all county property, except such as is by law placed in the custody of other officers. 2. To control all books, papers, and instruments pertaining to his office. 3. To audit all claims for money against the county. 4. To draw, and seal with the seal of the County Court, all warrants upon the county treasury. 5. To audit and settle the accounts of the county trustee, and those of any other collector or receiver of county revenue, taxes, or incomes, payable into the county treasury; and those of any person entrusted to receive or expend any money of the county; and to require said officers or persons to render and settle their accounts as directed by law, or the authority under which they may act. 6. To enter in a book, to be known as the Warrant Book, in the order of issuance, the number, date, amount, and name of drawee, of each warrant drawn upon the treasury. 7. To keep, in a suitable book, an account of the receipts and expenditures of the county, in such a manner as to show clearly the assets of the county, and the debts payable to and by it—balancing said accounts semi-annually; and generally to superintend the financial concerns of the county. 8. No money shall be drawn out of the county treasury, except upon a warrant issued by the County Judge. 9. The duties directed to be performed by the Clerk of the County Court, in the administration of insolvent estates, shall, for the future, be performed by the County Judge.

Powers and  
duties of County  
Judge.

SEC. 9. *Be it enacted*, That the County Judge shall receive five dollars per day during the sitting of the Monthly and Quarterly Courts; and the several Quarterly Courts are hereby authorized to make additional compensation to the Judge, by appropriations for that purpose, to such amount as said Quarterly Court may deem right; and said Judge shall be paid his compensation quarterly, out of the county treasury, upon the Judge's own warrant.

SEC. 10. *Be it enacted*, That hereafter it shall be the duty of the Clerks of the several County Courts in the State to keep a docket of all the cases to be tried in said Courts, as are now kept by the Clerks of the Circuit Court.

Circuit Court  
Clerks to keep  
dockets.

SEC. 11. *Be it enacted*, That it shall be the duty of said Clerk to enter upon said docket all suits, motions, and actions that may come before said Court for trial; and that no suit, motion, or action before said Court shall be tried, except it appear on said docket; and all suits, mo-

Shall enter  
upon said dock-  
et all suits, mo-  
tions, &c.

tions, and actions shall be tried in order, as they appear on said docket.

County Judge  
not precluded  
from practice.

SEC. 12. *Be it further enacted*, That the County Court Judge shall not be precluded from practicing in the Supreme, Chancery, Circuit, and Criminal Courts in this State, but shall not be permitted to act as counsel in any case going up from his own Court.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.

## CHAPTER 254.

AN ACT to authorize the formation of companies, and regulate private and local affairs, and retrench the expenses of legislation.

Circuit Courts  
invested with  
power to incor-  
porate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the power with regard to private and local affairs is hereby vested in the several Circuit Courts of this State, to the extent and under the conditions, limitations, and restrictions hereinafter set forth.

Any three or  
more persons  
may be incorpo-  
rated.

SEC. 2. *Be it enacted*, That at any time hereafter, it shall and may be lawful for any number of persons not less than three, to associate themselves together for the purpose of pursuing or carrying on any branch or branches of manufacturing, mining, mechanical, chemical, or other business, for promoting education, science, or art, for building bridges, turnpikes, for erecting ferries or mill-dams, for establishing insurance, fire, savings, navigation, commercial, or agricultural business, building and loan associations, or any other pursuit, business, occupation, or calling, which may be lawfully carried on or engaged in in this State for private, social, public, or municipal purposes, upon the conditions and under the restrictions and regulations hereinafter specified.

Mode of petition  
for incorpora-  
tion.

SEC. 3. *Be it enacted*, That before any persons or company shall be entitled to the provisions of this act, they shall present to the Circuit Court, at any regular term thereof, in the county where the company or principal



office of the company is located or to be kept, a petition signed by the members thereof, setting forth—

1st. The name assumed to designate such company, and to be used in its dealings and business.

2d. The place or places where the business of such company is to be conducted, and the kind or branches of business pursuit or occupation to be carried on.

3d. The total amount of the capital stock of such company, the amount with which they will commence business, and the number and amount of slaves.

4th. The names and residences of the stockholders forming the company.

5th. And the powers, duties, liabilities, rights, and privileges of the members of the company, clearly and definitely ascertained and fixed in said petition.

SEC. 4. *Be it enacted*, That if it shall appear to the Court that the law has been complied with by said petitioners, and that the powers, duties, liabilities, rights, or privileges assumed for said company, or the provisions contained in said petition, are not repugnant to the provisions of this act, or to the constitution and laws of this State or of the United States, the Court may order said petition to be entered of record in a book to be kept in said Court for that purpose, and that said company be formed in accordance with the provisions of this act; and a copy of such record duly certified under the hand and official seal of the Clerk of said Court shall be filed in the office of the Secretary of State, to be kept by him amongst the files in his office.

Petition to be recorded.

SEC. 5. *Be it enacted*, That upon said record, duly certified as aforesaid, being filed in the office of Secretary of State, the persons so associating, their associates, successors, and assigns, shall be, and they are hereby, created a body politic and corporate, by the name mentioned in said petition and record as aforesaid; that every such company shall have power in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and change, alter, and renew the same at pleasure, and by its corporate name shall in law be capable of buying and holding, selling and conveying, any lands, tenements, and hereditaments, goods, wares, and merchandise whatsoever necessary or useful for said company to carry on their pursuit, business, or occupation, and all other real estate which shall have been bona fide mortgaged to

Powers of companies thus incorporated.

said company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decrees which shall be obtained for such debts; *Provided*, that no company formed under the provisions of this law, shall have or exercise any banking powers whatever.

**Provisions of by-laws.** SEC. 6. *Be it enacted*, That every such company shall make by-laws for the government and regulation of said company, and which shall provide—

1st. The names and number of the several officers of the company, and the duties of the several officers.

2d. The time, place, and manner of choosing said officers, and the term of their office.

3d. The oaths of office and bonds to be required, if any, of the several officers for the faithful discharge of duty.

4th. And such other by-laws as shall not be repugnant to the provisions of this act, or to the constitution and laws of this State or of the United States, for the regulation and government of the meetings, transactions and business of the company and stockholders, and the payment and use of the capital stock.

**By-laws to be recorded.** SEC. 7. *Be it enacted*, That said by-laws shall be recorded in the books of the company, and a copy thereof shall also be recorded by the Clerk of the Circuit Court in the book kept for that purpose, and said company shall not be permitted to proceed to business until said copy of said by-laws are recorded in the Clerk's office as aforesaid.

SEC. 8. *Be it enacted*, That copies of said record or by-laws, duly certified by said Secretary of State or Clerk of the Circuit Court, shall be evidence in all Courts and places for and against such company.

SEC. 9. *Be it enacted*, That the shares of stock in every company shall be deemed personal property, and shall be transferrable on the books of the company in such manner as the by-laws may provide.

**Company may change original purpose, &c.** SEC. 10. *Be it enacted*, That any company which may be formed under this act, may increase or diminish its capital stock, or may extend its business to any other branch of business, or may change the terms of its chartered rights, privileges, and powers, by presenting a petition for that purpose to the Circuit Court in which the original petition was filed; which petition, record, and proceedings thereon, shall be in accordance with the provisions of this act in regard to the original petition; but before any corporation shall be entitled to diminish the amount of its capital stock, it shall appear

to the Court that the amount of the debts and liabilities of the company are less than the amount to which it may be proposed to reduce the capital stock.

SEC. 11. *Be it enacted*, That each stockholder shall be liable for the amount of stock subscribed by him or her, and nothing but money shall be considered as payment of any part of the capital, and no loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest for all the debts of the company contracted before the re-payment of the sum so loaned; and every stockholder shall be liable to the creditors of the company for any amount which said stockholder has not paid said company on the amount of stock so by him subscribed, and due the company by him as aforesaid, but for nothing else.

Liability of  
stockholders.

SEC. 12. *Be it enacted*, That said company shall keep at their office or place of business, a list of the stockholders, with their names, residences, and amount of stock owned and paid in by each; which list shall at all business hours be subject to the inspection of any and every person who may desire to inspect the same.

List of stock-  
holders to be  
kept.

SEC. 13. *Be it enacted*, That said Circuit Court shall have power to authorize turnpike and other companies to condemn land for way, &c.; and said Court may appoint appraisers or commissioners to ascertain the value of the right of way, &c., necessary for said roads, and receive the report of the commissioners, and render judgment, and do all other things necessary and proper in this behalf.

Circuit Court  
may authorize  
condemnation  
of lands for way,  
&c.

SEC. 14. *Be it enacted*, That it shall be the duty of the Attorney General to represent the State and see that none but proper corporate powers are granted; and the Attorney General or any citizen shall have the right to subpoenas for witnesses, and the right to be heard, and to resist any application for a charter, right or franchise in any Court, according to the usages and rules of the Court.

Duty of Attor-  
ney General.

SEC. 15. *Be it enacted*, That the Court shall fix the fee of the Attorney General and direct the payment thereof out of the county treasury, or that the applicants shall pay the same according to the direction of the Court.

Fee of Attorney  
General.

SEC. 16. *Be it enacted*, That the provisions of this act, and the act of 1850, chapter 181, shall extend to all societies, charters, or associations which may be formed for the promotion of benevolence, religion, or

To extend to all  
societies of be-  
nevolence and  
religion.

morality, or for the protection of the property or persons of the members thereof, or for their social improvement, so far as the same are applicable.

Fees of Clerks  
of Circ't Court.

Sec. 17. *Be it enacted*, That the Clerks of the Circuit Courts or Secretary of the State, shall be entitled to the same fees for services under this law as are fixed by law for similar services rendered by them, to be paid by the petitioners or the companies.

Sec. 18. *Be it enacted*, That all laws contravening the provisions of this law, are hereby repealed.

Sec. 19. *Be it enacted*, That this act shall take effect and be in force from and after its passage.

Sec. 20. *Be it further enacted*, That this act shall apply to one or more persons who may wish to build a turnpike road or roads, either dirt, rock, or plank.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 26, 1856.

## CHAPTER 255.

AN ACT to increase the salary of the Attorney General and Reporter for the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Attorney General and Reporter for the State shall receive a salary of one thousand five hundred dollars, to be paid by the Treasurer of the State out of any money not otherwise appropriated; and that he be entitled, hereafter as heretofore, to a copy-right in and to the reports of the decisions of the Supreme Court of the State reported by him, as is now provided by law; and that this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 25, 1856.

## CHAPTER 256.

AN ACT directory to the Comptroller for the benefit of the Printers to the Senate  
and House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller be, and he is hereby directed to audit the accounts of the printers appointed by the Senate and the House of Representatives, to print for the different Houses, previous to the election of Public Printer, and that he issue his warrant upon the Treasury for the payment of the amount found due by him to said printers, or either of them.

SEC. 2. *Be it further enacted*, That a sum of money sufficient to pay said accounts be, and the same is hereby appropriated out of any moneys in the public Treasury not otherwise appropriated.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed November 28, 1855.

## CHAPTER 257.

AN ACT to amend the charter of the Hyde's Ferry Turnpike Company,  
and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said company shall have the power of continuing their road from the ford of Sycamore Creek, in the direction of Clarksville, in Montgomery County. May continue road.

SEC. 2. *Be it enacted*, That said company may grade their road from the termination of their present contracts, near Sycamore Creek, twelve feet wide, without rock or gravel, or they may cover it with rock or gravel, or construct it with plank. Grade.

SEC. 3. *Be it enacted*, That when any ten miles of the road shall be completed, without rock, gravel, or plank,

Gates and rates  
of toll.

the company shall be entitled to erect one gate for every ten miles so completed; and when any five miles shall be completed with rock, gravel, or plank, the company shall be entitled to erect a gate for every five miles so completed, and shall be entitled to have and collect tolls at the same rates prescribed and allowed to the White's Creek Turnpike Company.

Columbia, Pulaski & Elkton T. P. Co. may move 9th gate.

SEC. 4. *Be it enacted*, That the Columbia, Pulaski, Elkton, and Alabama Turnpike Company, are hereby authorized to remove their ninth gate on their road from its present location, to a distance of one mile and a half in the direction of, and nearer Elk River.

Waynesboro & Savannah T. P. Co. further time.

SEC. 5. *Be it further enacted*, That the Waynesboro and Savannah Turnpike Company have two years' further time to commence their turnpike road.

Nashville and Glenciff Turnpike Company.

SEC. 6. *Be it enacted*, That A. F. Goff, Jos. W. Dabbs, F. R. Rains, F. O. Hurt, Wm. Baker, G. C. Topp, W. R. Lucas, C. K. Winston, and S. G. Whittsit, are hereby appointed Commissioners to open books for the purpose of receiving subscriptions to the amount of fifteen thousand dollars, (more or less,) to be applied to the making of a turnpike road from Nashville to Glenciff; which sum shall be divided into shares of fifty dollars each. So soon as the sum of three thousand dollars shall be subscribed, a meeting of the stockholders shall be held in Nashville; of which meeting the managers of the subscription shall give at least ten days notice in some newspaper published in Nashville. After said meeting, the subscribers shall be, and are hereby constituted a body politic and corporate, by the name of the "Nashville and Glenciff Turnpike Company," and together with those who may afterwards subscribe or purchase stock, shall continue, and may own, sell, and buy property, sue and be sued in their corporate name and character, and have, and enjoy, and possess all the rights, privileges, and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety-nine years. The subscribers, or a majority of them, being present at the first meeting, shall elect five Directors, who shall be stockholders, who shall elect one of their number President of the Board of Directors; and the President and Directors thus chosen shall continue in office two years, and until another election shall take place to fill their places, of which notice shall be given as aforesaid. The President and Directors thus chosen, shall have power to open books and receive subscription for stock as they may deem best for the remainder of the stock that may be needed to build the road, and by themselves, or other suitable persons

appointed by them, to run and mark out, and locate the road the nearest and most practicable route from Nashville to Glencliff which can be procured. The President and Directors shall also make contracts for the opening and constructing of said road ; they may also require such advances on the shares subscribed as they may believe the wants of the company require.

SEC. 7. *Be it enacted*, That the President and any two of the Directors, shall be a quorum to transact business.

SEC. 8. *Be it enacted*, That said turnpike company shall not erect more than one gate on said road, and shall have the power of charging the same rates of toll that are charged by the Nashville and Lebanon Turnpike Company, but not higher ; and shall have the privilege of establishing their toll-gate on their said road, and of charging for passing through the same as above specified, as soon as the said road is opened and received by their President and Directors ; and shall enjoy all the protection, rights, privileges, and immunities and redress not herein particularly set forth and described, which are now enjoyed by the Nashville and Lebanon Turnpike Company, or Charlotte and Harpeth Turnpike Company ; *provided, however*, that nothing in the acts establishing said turnpike companies, so far as the same is local or contrary to what is heretofore and herein enacted, shall be in force or in any manner extend to this act.

Gates—rates  
toll.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 9, 1856.



## CHAPTER 258.

AN ACT for the benefit of the Citizens of Columbia, and for other purposes.

Powers of  
Mayor and Aldermen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Columbia, shall have power to appoint and regulate the police of the town of Columbia; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

SEC. 2. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbance or disorderly assemblies in any street, house, or place within the limits of the Corporation, whether the same be by day or night.

SEC. 3. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the limits of said corporation by day or by night; and to authorize the arrest and detention of all free negroes, slaves, or suspicious persons, found violating any ordinance of said Corporation.

SEC. 4. *Be it enacted*, That the corporation constable, shall have power to execute State warrants and other process which constables generally have the power to execute within the limits of the corporation.

SEC. 5. *Be it enacted*, That the second section of an act entitled "An act to amend an act, entitled an act to incorporate the inhabitants of the town of Columbia, in the County of Maury, passed January 28, 1848," be and is hereby repealed, and be it further enacted, that the Mayor and Aldermen of the town of Columbia, shall have power to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys, and side-walks, or to have the same done. *Provided*, That a reasonable compensation shall be paid to such person or persons whose ground may be taken or rights affected in thus widening, extending, improving &c., such streets, alleys, or side walks, and the said ground shall not be taken for such purpose, until such compensation shall have been first paid or an offer to pay the same and a refusal to receive the said compensation by the person owning said ground, *provided* further, that said compensation may be fixed by three disinterested persons at least to be selected by the Mayor and Aldermen, and the owner of such ground or by either of them in case of refusal by the other party to make a selection.

**SEC. 4.** *Be it enacted,* That all laws relating to the corporation and authorities of the town of Columbia, not hereby expressly repealed shall be and continue in full force and effect.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 259.

AN ACT to incorporate the Knoxville Building and Loan Association.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That L. C. Shephard, Samuel Morrow, W. B. McMahon, George W. Harris, W. C. Kain, J. B. G. Kinsloe, B. R. Strong, Columbus Powell, Frank A. Ramsey, Joseph H. Walker, and William K. Eckle and their associates and successors, are hereby created a body corporate and politic under the name and style of the Knoxville Building and Loan Association, with the same rights, powers, and liabilities conferred, in an act entitled "An act to incorporate the Memphis Building and loan Association Company and the Nashville Building Association," passed February 1, 1854, upon said associations.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 3, 1856.

## CHAPTER 260.

AN ACT directory to the Clerk of the Circuit Court of Washington county.

Able Wiley's  
grave.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Clerk of the Circuit Court of the County of Washington, be instructed to retain in his hands, the sum of two hundred dollars out of the monies arising from the sale of the lands of Able Wiley, which have escheated to the State of Tennessee, for the purpose of enclosing and walling up the grave of said Able Wiley, and also with tomb stones properly engraved.

SEC. 2. *Be it further enacted*, That the County Court of said county, shall appoint a Commissioner who shall draw on the Clerk for said money, and appropriate it to the purposes herein specified.

SEC. 3. *Be it further enacted*, That this act shall take effect from its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed October 22, 1856.

## CHAPTER 261.

AN ACT to charter the Bluff City Building and Loan Association Company of Memphis, the Somerville and Chickasaw Building and Loan Association, the Franklin Building and Loan Association, the Clarksville Building Association, the Sparta Building and Loan Association, the Elizabethton Building and Loan Association, the Bean's Station Building and Loan Association, to amend the charter of the Knoxville Building and Loan Association Company, to incorporate the Lauderdale Building and Loan Association, and to incorporate the Lagrange Building and Loan Association.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Association, which shall be a mutual benefit and Stock Company, having for its object to assist the members thereof to become their own landlords, or the owners of such real estate as they may need, instead of being the mere renters thereof, is hereby authorized to be formed in the City of Memphis; and for that purpose, W. R. Chandler, F. W. Royster, D. H. Townsend, C. A. Dorion, S. R. Walker, J. L. Morgan, James Armour, E. M. Patrick, D. M. Leather-

man, J. R. McClanahan, J. H. Atby, W. Garrett, John Martin, and such other persons as they may be associated with, by becoming shareholders of the Capital Stock of the Company hereby incorporated, and their successors be, and they are hereby constituted a body politic and corporate, by the name and style of the Bluff City Loan and Building Association, and may, by their corporate name, sue and be sued, plead and be impleaded, may make and use a common seal, and alter the same at their pleasure; and may use and exercise, and enjoy all the rights and immunities which are incident to corporations.

SEC. 2. *Be it enacted*; That the members of said Corporation shall have full power and authority to form Powers. and adopt such Constitution, by-laws, rules and regulations for the government of the Corporation, and to choose and appoint such officers and agents for the transaction of the business of the Corporation as to them shall seem expedient, and such Constitution, by-laws, rules, and regulations, shall have the force and effect of a legal enactment on the members of said Corporation. *Provided*, that such Constitution, by-laws, rules, and regulations, do not conflict with the laws of the land.

SEC. 3. *Be it enacted*, That the Capital Stock of said Corporation shall be divided into shares of one dollar per month, each to be paid in monthly until the said Corporation shall determine and close; and the Capital Stock of said Corporation shall not be less than two, or more than five thousand shares, and subscription for stock shall be made in such mode as may be prescribed by said Association. Capital stock.

SEC. 4. *Be it enacted*, That the funds of the said Corporation may be loaned out to the stockholders in such manner, on such terms and conditions, and under such regulations as the said Corporation by its Constitution and by-laws may prescribe; *provided*, the same be secured by real estate, and any funds of said Corporation which may remain after the stockholders have borrowed all they desire, may be loaned out to others than stockholders, they paying therefore interest at the rate of six per cent. per annum; *provided* the same be secured by real estate. May loan funds.

SEC. 5. *Be it enacted*, That the said Corporators shall have power to take and to hold all such real estate, as may be mortgaged or conveyed in trust to secure said Corporation in the loan of any of its funds, and the said Corporation shall have power to purchase any such real estate aforesaid, at any sale thereof, made under any mortgage or conveyance in trust of any such rea- May buy and sell real estate.

estate, to secure the said Corporation in any such loan as aforesaid, and the same to hold and sell, or otherwise dispose of as the said Corporation may deem expedient.

Termination.

SEC. 6. *Be it enacted*, That when each stockholder, for each and every share of stock by him or her held, shall be entitled to receive the sum of two hundred dollars, on distribution of the funds of said Association, then the said Corporation shall wind up, terminate, and close.

Somerville B.  
& L. Asso.

SEC. 7. *Be it further enacted*, That for the purposes specified in the first section of this act, Joel L. Pulliam, L. M. Scott, James Pettit, T. L. Dickinson, and George W. Trotter, and their associates, be, and are hereby authorized and constituted a body corporate and politic, by the name and style of the Somerville Building and Loan Association, and by that name may sue and be sued, plead and be impleaded, make and use a common seal, alter it at pleasure, and may use, exercise, and enjoy all the rights, powers, privileges, and immunities that are incident to corporations.

Powers, &c.

SEC. 8. *Be it enacted*, That all the powers, privileges, rights, and immunities as are granted in the foregoing sections of this act upon the "Bluff City Loan and Building Association Company," are hereby conferred upon the Somerville Building and Loan Association, so far as they are applicable.

Chickasaw B. &  
L. Asso.

SEC. 9. *Be it further enacted*, That J. A. Carnes, W. B. Waldran, Sam Bunch, George Robertson, and D. A. Shepherd, for the purposes aforesaid, are hereby constituted a body politic and corporate, under the name and style of the "Chickasaw Building and Loan Association," with all the rights, powers, privileges, and immunities as are given, granted, and conferred in the foregoing sections of this act, so far as they are applicable.

Franklin B. &  
L. Asso.

SEC. 10. *Be it further enacted*, That David Campbell, Reuben P. Hayes, S. H. Bailey, John B. McEwen, Robert Courtney, Michael Codey, Miles White, Samuel S. House, Robert Parker, Abner Vaughn, James Gault, Andrew Johnson, Abner Moss, and such other persons as may be associated with them by becoming shareholders of the Capital Stock of the Company hereby incorporated, and their successors be, and they are hereby constituted a body politic and corporate, by the name and style of the "Franklin Building and Loan Association Company," and are hereby vested with all the rights, powers, and privileges that are conferred upon the "Bluff City Loan and Building Association Company of Memphis" by this act.

SEC. 11. *Be it further enacted*, That Wm. A. Quarles, Samuel Seat, C. Faxon, C. G. Smith, T. W. King, T. W. Beaumont, T. Pritchitt, G. G. Pointdexter, J. G. Hornberger, John F. House, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Clarksville Building Association, with the same capital, rights, powers, and liabilities conferred in the preceding sections of this act upon the Bluff City Loan and Building Association Company of Memphis, and with the object of enabling the working men of Clarksville and its vicinity to become their own landlords.

Clarksville B.  
Asso.

SEC. 12. *Be it further enacted*, That M. C. Dibrell, Jacob Powers, John L. James, Joseph Snodgrass, Wayman Clark, Wm. Clayton, J. G. Mitchell, and such other persons as may be associated with them and their assignees, be, and they are hereby declared to be a body corporate and politic by the name and style of the Sparta Building and Loan Association; with all the powers and privileges, and subject to all the restrictions of the Memphis Building and Loan Association Company, and the Nashville Building Association, passed February 1st, 1854, chapter twenty-three.

Sparta B. & L.  
Asso.

SEC. 13. *Be it further enacted*, That James A. Burrow, G. F. Magee, G. W. Folsom, and John K. Miller, are hereby incorporated a body corporate and politic, by the name and style of the "Elizabethton Building and Loan Association," and shall have all the rights and privileges that are granted to the Nashville Building and Loan Association.

Elizabethton B.  
& L. Asso.

SEC. 14. *Be it further enacted*, That D. Whitesides, S. B. Tate, and Josiah Wyatt, be, and they are hereby created a body corporate and politic, under the name and style of the Bean's Station Building and Loan Association, and their successors, with all the rights, powers, privileges, immunities, and liabilities of the Nashville Building and Loan Association.

Bean's Station  
B. & L. Asso.

SEC. 15. *Be it further enacted*, That the Charter of the Knoxville Building and Loan Association be so amended that they may organize with a minimum of one thousand shares, and that this amendment, and the act chartering said Company, shall take effect from the date of its passage.

Knoxville B. &  
L. Asso. amend-  
ed.

SEC. 16. *Be it further enacted*, That James A. Lackey, Josiah C. Marley, Joseph B. Clay, Hiram Partee, Stephen H. Steele, and Wm. D. Steele, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Lauderdale Building and Loan Association, with the same capital,

Lauderdale B.  
& L. Asso.

rights, powers, and liabilities, conferred in the preceding sections of this act upon the Bluff City Loan and Building Association, and with the object of enabling the working men of Lauderdale County to become their own landlords.

Covington B. &  
L. Asso.

Sec. 17. *Be it further enacted*, That Samuel T. Taylor, Isaac R. Bledsoe, P. P. Collier, John S. Peete, and Stephen W. Malone, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Covington Building and Loan Association, with the same capital, rights, powers, and liabilities, conferred in the preceding sections of this act upon the Bluff City Loan and Building Association, and with the object of enabling the working men of Covington and its vicinity to become their own landlords.

LaGrange B. &  
L. Asso.

Sec. 18. *Be it further enacted*, That H. H. Falls, R. Dortch, B. Houston, D. J. Howard, and W. A. Steffey, be, and they are hereby constituted a body politic and corporate, under the name and style of the LaGrange Building and Loan Association, with all the rights, powers, privileges, and restrictions, as are granted to the Bluff City Loan and Building Association Company of Memphis, so far as the same are applicable for the purposes specified in the aforesaid act of incorporation of the Bluff City Loan and Building Association of Memphis.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22, 1856.



## CHAPTER 262:

**AN ACT** to incorporate the town of Cookeville, in the County of Putnam, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the citizens of the town of Cookeville, in Putnam County, are hereby incorporated by the name of the Mayor and Aldermen of Cookeville, may sue and be sued, contract and be contracted with, hold real and personal property, assess taxes to improve the streets and public squares, and pass all ordinances necessary for the benefit and good order of the town.

**SEC. 2.** *Be it enacted,* That there shall be elected, by the qualified voters of said town, a Mayor and six Aldermen, who shall hold their offices for twelve months, and until others are elected; and it shall be the duty of the Sheriff of said county to advertise and hold the first election. That the said Board of Mayor and Aldermen may appoint a constable to execute all corporation business as may be necessary, and, after the first election, shall thereafter hold the elections as provided in this act, give security in any sum that may be designated by the Board for the performance of his duty. Mayor and Aldermen.

**SEC. 3.** *Be it enacted,* That five of the aldermen shall constitute a Board to perform all business: they shall keep a record of the proceedings, and shall have power to make all by-laws and ordinances necessary for the good order of said town, not inconsistent with the laws of the State. Quorum.

**SEC. 4.** *Be it further enacted,* That all the rights and privileges extended by this act to Cookeville, are hereby extended to the town of Decherd, in the County of Franklin, and the boundaries of said corporation shall be determined by the Board of Mayor and Aldermen, by a concurrence of a majority of the legal voters of said territory. Town of Decherd incorporated.

**SEC. 5.** *Be it further enacted,* That the act entitled An act to incorporate the town of Somerville, in the County of Fayette, passed January 24, 1854, be so amended as to grant the rights of appeal to the party against whom judgment has been rendered by the Recorder, in the same manner, mode, and upon the same conditions as appeals are from the Justices of the Peace in this State. Somerville — charter amended.

**SEC. 6.** *Be it further enacted,* That the town of Flynn's Lick, in the County of Jackson, and the inhabitants thereof, be, and the same is hereby constituted a body corporate, by the name and style of the Mayor and Al- Flynn's Lick incorporated.

dermen of the town of Flynn's Lick, and be entitled to all the rights and privileges which are conferred on the town of Cookeville, in the foregoing act.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 14, 1856.

## CHAPTER 263.

AN ACT to amend the charter of the United Firemen's Insurance Company, of Nashville, passed 25th February, 1851, and for purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 7, 11, 12, 13, 25, and 26, and that sections 3 and 5 of the amendments passed 21st November, 1853, of the act which this is an amendment, be and the same is hereby repealed.

Election of Directors.

SEC. 2. *Be it enacted*, That an election for a Board of thirteen directors, who shall be chosen from amongst the stockholders of said Company, each of whom shall be owners, in their own name, of not less than ten shares of the capital stock of said Company, citizens of the United States, and of this State, shall be held at the office of said Company, in the city of Nashville, on the 1st Monday in May, in each and every year, of which ten days' notice shall be given in at least two of the newspapers printed in Nashville, each stockholder giving one vote for each share of stock he or she may be the owner; but no shareholder shall be entitled to more than thirty five votes; and the persons, so elected, shall serve as Directors for the next succeeding twelve months, and if at any time an election shall not be held as herein provided, the said Company shall not be dissolved, but the Board of Directors for the time being shall serve until another election takes place, which may be at any time thereafter—the Board for the time being giving at least ten days notice thereof in at least two of the newspapers printed in Nashville; and the said Directors are hereby authorized to fill any vacancy

which may happen, through death, resignation, or other cause. At their first meeting after every election, they shall choose, by ballot, a President from amongst their own body, and in case of the death or disqualification of the President, the Directors shall fill the vacancy by ballot.

SEC. 3. *Be it enacted*, That there shall be established in the city of Memphis an Insurance Company, which shall be a body corporate and politic, to be called and known by the name of the "Home Insurance Company," of which Wardlaw Howard, C. A. Stockley, Wm. H. Pattison, Thomas P. Aydlett, John H. Kroft, M. A. Haynes, William Park, and such other citizens as may become associated with them previous to their organization, shall be the first Trustees, and all other persons who may have their lives or property insured in said Company, shall be members, equally entitled to a full participation in all dividends.

Home Insurance  
Co. of Memphis.

SEC. 4. *Be it enacted*, That said Company shall have all the corporate powers, and be subject to all the restrictions, contained, granted, and prescribed by the charter of the Mutual Protection Insurance Company, of Nashville, passed on the 29th day of December, 1847, with the exception that it may organize, at any time within three years after the passage of this act.

Powers, &c.

SEC. 5. *Be it enacted*, That F. K. Zollicoffer, Nicholas Hobson, Wesley Wheless, William Nichol, John M. Bass, Andrew F. Goff, William B. A. Ramsey, and the subscribers to the capital stock of the Company hereby incorporated, and their successors, shall be, and they are hereby declared a body politic and corporate, by the name of the "Safety Insurance Company of Nashville," and by that name, shall be invested with all the powers, rights, privileges, franchises, and emoluments, and be subject to all the restrictions and provisions conferred and imposed upon the "Protection Insurance Company of Nashville," by an act passed on the 2d day of March, 1854.

Safety Insurance  
Co. of Nashville.

SEC. 6. *Be it enacted*, That the affairs of said Company shall be under the direction and control of nine Directors, four of whom, with the President, or five Directors in the absence of the President, shall constitute a quorum to do business.

Directors—quorum.

SEC. 7. *Be it enacted*, That the fiscal year of the corporation of Memphis begin on the 1st day of July of each year.

Fiscal year of  
Memphis.

SEC. 8. *Be it enacted*, That a digest of the ordinances of the city of Memphis shall be published from time to time, under the direction of the Mayor and Aldermen,

Memphis ordinances—digest  
to be published.

and, when so published, shall be read as evidence in all the Courts in this State, without proof.

SEC. 9. *Be it enacted*, That all laws or parts of laws now in force in this State, so far as they are inconsistent or contrary to the provisions of this act, shall be, and the same are hereby repealed.

Memphis Sinking Fund.

SEC. 10. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Memphis shall set aside semi-annually, in the months of January and July of each year, a sum not less than five thousand dollars, to be called the "Memphis Sinking Fund," which shall be exclusively applied to the purpose of retiring any of the bonds of the city of Memphis, *provided*, however, the said Board of Mayor and Aldermen shall and may determine at what time this act shall take effect.

Memphis charter amended — streets.

SEC. 11. *Be it enacted*, That the 6th and 7th sections of the 6th Article of the amended Charter of the city of Memphis, passed 13th of February, 1854, be and the same are hereby so amended as to authorize and empower the Board of Mayor and Aldermen of said city, from and after the passage of this act, to provide by ordinance for the grading and paving of all the streets, lanes, alleys, and avenues in the city, by the respective owners of real estate fronting thereon, and to enforce obedience to said ordinance by such fines and forfeitures as they may provide, to be assessed and collected as other fines and forfeitures. *Provided*, however, that when said real estate is owned by non-residents of the city, or by minors, said fines and forfeitures shall and may be collected by motion entered in the Common Law Court in the city, twenty days before the meeting thereof, against said non-residents, minors, or their guardians, upon which judgment may be rendered at the first term, which judgment, when there is no personal property out of which it may be satisfied, shall operate as a lien upon the real estate ordered to be paved or graded, until the same is satisfied.

Visitors of Schools.

SEC. 12. *Be it further enacted*, By the General Assembly of the State of Tennessee, that immediately after the annual election and organization of the Mayor and Aldermen of the city of Memphis, they shall appoint a suitable person from each ward of the city, and one for the city at large, as "visitors of the city school," who shall be appointed for one year; but no one shall be member of the Board of Visitors, unless he will declare his intention to discharge the duties of his position with fidelity.

**SEC. 13.** *Be it enacted,* That said Board of Visitors shall have power to choose one of their own number as President : to fill all vacancies in their number ; employ and dismiss superintendents, teachers, agents, servants &c. ; affix salaries, contract for school rooms, furniture, fuel, fixtures, apparatus, books, stationery, maps, globes, &c. , and adopt such rules and regulations as they may deem best calculated to promote the welfare of the schools. But no one shall be appointed superintendent or teacher, until he or she, after a thorough examination, shall be declared competent and qualified to discharge the duties assigned.

Powers of  
same.

**SEC. 14.** *Be it enacted,* That they shall regulate the beginning and length of the scholastic year, and of the sessions, prescribe the course of studies, text-books, and hours of tuition, make rules for the admission or expulsion of pupils, visit the schools at least once per month, and make, or cause to be made in their presence, such examinations of the pupils as may enable them to judge of their progress.

**SEC. 15.** *Be it enacted,* That no one shall be admitted as a pupil, but white persons residing within the city limits, between the age of six and twenty years ; but the Board of Visitors *may* admit children living beyond the city limits, upon the payment in advance, to the city Treasury, of such tuition fees as they shall prescribe for a session, and the same payment *may* be demanded of children whose parents or guardians reside out of the city, but permit their children or wards to live within it to attend the city schools. If deemed advisable, the Board of Visitors may prescribe a higher branches of study than those usually taught in the city schools, and may affix to such branches a reasonable tuition fee, to be paid by such pupils as are engaged in them, if the ordinary school revenues be not ample for the extra expense attending such higher branches.

**SEC. 16.** *Be it enacted,* That the present Board of Visitors shall continue in office until their successors are appointed, and at the end of every scholastic year, they shall return to the Mayor and Aldermen, for publication, a tabular statement, showing the number of scholars, male and female, in attendance, the number within and the number without the city, with the prices of tuition for those charged, the number, male and female, engaged in each branch of study, the text-books used, the hours of tuition, winter and summer, and the various items of city school expenses. And they shall submit to the Mayor and Aldermen, an approximate estimate

Term of office  
—Report.

of the cost of the city schools for the next ensuing year.

School Tax.

Sec. 17. *Be it enacted*, That upon the return of said estimate, the Mayor and Aldermen shall proceed to levy a tax upon such things as are now taxable for city purposes; the total amount of which shall not exceed a ratio of \$15, for every white youth in the city between six and 20 years of age, which said tax, called the "city school tax," shall be collected and paid over as all other city taxes, and shall be held sacred as a fund for the use of the city schools.

School houses.

Sec. 18. *Be it enacted*, That the present or any future Board of Visitors may contract for lots in any part of the city, and for the erection thereon of suitable school buildings, *provided* the cost of lots and buildings shall not exceed the sum of \$50,000; payable in not less than three nor more than five annual instalments; and if such lots and buildings can be thus contracted for, the Board of Aldermen shall at once take such steps as will effect the object desired, in order that the schools may be more perfectly classified and established.

School monies.

Sec. 19. *Be it enacted*, That no money shall be paid out for city school purposes, by the Mayor and Aldermen of the city, unless upon vouchers attested by the superintendent, and countersigned by the President; the former of whom shall keep an accurate statement of all accounts created on behalf of the city schools; but all accounts thus attested and countersigned, shall be paid by the Mayor and Aldermen out of any money belonging to the school fund in the city Treasury.

Sec. 20. *Be it enacted*, That this act shall take effect from and after its passage.

U. S. Navy  
Yard added to  
Corporation  
limits of Mem-  
phis.

Sec. 21. *Be it further enacted*, by the General Assembly of the State of Tennessee, That from and after the passage of this act, all that portion of territory known as the United States Navy Yard, or Depot at Memphis, shall be incorporated into and be part and parcel of the city of Memphis, and the laws and ordinances of said city, shall extend and be extended over said territory in as full and ample a manner as if said Navy Yard had never been granted to the United States.

Sec. 22. *Be it enacted*, That hereafter the Mayor and Aldermen of the city of Memphis shall not have the power to issue the Bonds of the city, having longer than one year to run, for any purpose. And section 3, of article 4, of the act to amend the charter of Memphis, passed February 13, 1854, be and said section is hereby repealed. And that all laws and parts of laws authorizing the issuance of time Bonds by said city be and the same are hereby repealed. *Provided*, that the



Bonds issued or to be issued in any one year, and having one year or less time to run, shall not exceed in amount the city revenue for the preceding year; and *provided further*, that said Mayor and Aldermen may (if upon twenty days notice of time and place of election, the qualified voters of the city shall so instruct them by a majority of votes cast in such election,) issue the bonds of the city having not less than thirty years to run, and bearing not more than six per cent per annum, interest, not to exceed in amount the sum of fifty thousand dollars, for the purpose of procuring lots and buildings for the city schools. And *provided*, also, that nothing in this section contained shall prevent the issuance of bonds in pursuance of contracts heretofore made by the city requiring said bonds to be issued.

Memphis bonds  
—issuance r.e-  
gulated.

SEC. 23. *Be it enacted*, That the Mayor and Aldermen of Memphis shall have power, by law or ordinance, to define misdemeanors, and when committed within the city limits to punish the same by pecuniary fines and penalties, or by imprisonment and labor, within or without a work-house, in default of the payment of said fines, as is now provided for in the acts which this is intended to amend.

Powers of Mem-  
phis corporate  
authorities in  
regard to Mis-  
demeanors, &c.

SEC. 24. *Be it enacted*, That the Mayor and Aldermen of Memphis shall have power to cause the arrest and trial of all vagrants and all rioters, drunken or disorderly persons, within the city, and to punish said offenders in the same manner as in the preceding section.

SEC. 25. *Be it enacted*, That the Mayor and Aldermen of Memphis shall have power to declare by law or ordinance how and in what manner accounts against the city for work and labor done, or materials furnished, shall be audited, proved and presented for payment.

SEC. 26. *Be it enacted*, That from and after the passage of this act, whenever any person or persons, shall be arrested, tried and convicted, before the Recorder of said city of Memphis, for any offence arising under the charter, or ordinances of the city, or for any misdemeanor, and said person so convicted, shall desire to have said cause removed to a higher court, he or she may demand of the Recorder to have the evidence in said cause taken down in writing at the time, and the same so taken down shall be certified under the hand and seal of said Recorder, and transmitted to the next ensuing term of the law side of the common Law and Chancery Court of the city of Memphis; *provided* that before said appeal is granted, the defendant shall enter into bond with approved security in double the amount of the fine and cost, conditioned as an appeal from Justice of the Peace;

Appeals from  
Recorder's  
Court.



and for taking said bond, and making up, and certifying said Record, the sum of two dollars and fifty cents shall be taxed in the bill of cost. Except as is herein provided no cause shall be removed from before said Recorder into any other or higher court.

Duty of Judge  
in cases of Ap-  
peal.

Sec. 27, *Be it enacted*, That when any cause shall have been removed into the common Law and Chancery Court of the city of Memphis as provided for in the above section, it shall be the duty of the Judges of said court to have said cause tried and determined upon the evidence so written, down together with such other testimony as may be offered by either party, and if upon the trial, the judgment of the Recorder shall be affirmed, it shall be the duty of the Judge of the Common Law and Chancery Court to enter judgment against said defendant and his security for the fine and costs. No writ of certiorari and supersedeas, shall issue or be granted, removing any cause from before said Recorder, except upon and for his refusal to take down, certify and send up a record of the evidence provided for as aforesaid.

Delinquent tax-  
es—how collect-  
ed.

Sec. 28. *Be it enacted*, That from and after the passage of this act, whenever any taxes upon real estate, shall be due and payable to the city of Memphis, and the delinquent tax-payer shall have personal property sufficient to pay said taxes, the city tax-collector shall at the end of the fiscal year, report the name of the delinquent to the Recorder, and obtain from him a distress warrant directing said collector to destrain and seize a sufficiency of the goods and chattels of said delinquent to satisfy said demand, and to sell the same after ten days' notice, and if said delinquent tax-payer shall have no personal property, or not enough to pay said tax, cost and charges, then, and in that case, the city tax-collector shall report the lot or lands upon which said tax is due, together with the name of the owners or person to whom said lot is listed, amount of the tax, cost, and charges, the corporate year for which due, and the number or description of said lot or lands, to the first term of the law side of the Common Law and Chancery Court of the city of Memphis, next after the end of each fiscal year, under oath, for judgment and condemnation; and said Court shall order judgment for the amount of said tax, costs, and charges due on said lots or lands, to be entered of record against said lots or lands, and against said delinquent tax-payers, respectively; and shall order said lots or lands to be sold by said collector for said taxes, costs, and charges, after giving twenty days notice in any one newspaper published in Memphis. Sections 9, and 10, of article five

of the act to amend the charter of city of Memphis, passed February 13, 1854, are hereby repealed. The manner of selling said lots or lands, and of conveying the same, and the rights of owners and purchasers as specified in section eleven and twelve of article five above referred to, shall be and remain as now provided for in said sections.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*  
 EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 264.

AN ACT to regulate and define the fees of the Clerks of the Supreme, Chancery, Circuit and County Courts, Sheriffs, Coroners, Constables, Justices of the Peace, Jailors, Surveyors, Notaries Public, and Sealers of Weights and Measures, Clerks of the Criminal Courts, and for other purposes.

### SUPREME COURT CLERKS.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Clerks of the Supreme Court in this State, shall be allowed to demand and receive the same fees and compensation as Clerks of the Circuit Court, and Clerks and Masters in Equity, for the like services, as hereinafter set forth: and said Clerks of the Supreme Court shall also be entitled to the following fees, not fixed for Circuit Court Clerks, or Clerks and Masters, to wit:

For docketing causes upon the docket of the	
Judges, for each cause, - - - - -	\$0 10
For entering orders suggesting diminution of record	25
For " " " incompetency of Judge	25
For each motion, - - - - -	20
For every order, - - - - -	25
For transcript of cause at law, including appeal	
bond and judgment of Supreme Court, per	
hundred words, - - - - -	10
For enrolling same, per hundred words, -	10
For each procedendo, - - - - -	50
For copy of opinion to accompany same, per hun-	
dred words, - - - - -	10

For notice to parties to take accounts, each notice,	25
For motion and judgment against sureties,	25
For copying opinions for Reporter, per hundred words,	10

## CIRCUIT COURT CLERKS.

SEC. 2. *Be it enacted*, That the Clerks of the Circuit Court shall be allowed to demand and receive the following named fees for their services, as follows, to wit:

For every leading process,	75
For security taken thereon,	25
For registering bond and names of securities in a book to be kept for that purpose,	15
For presentment or indictment charging prisoners and pleas,	25
For each <i>scire facias</i> , <i>venditioni exponas</i> , writ of possession, or distringas,	75
For a transcript of a record, consisting of leading process, bond, declaration, pleas, demurrers, interlocutory orders, and final judgment, per hundred words,	10
For copies of other papers, not included in the list last above named, per hundred words,	10
For entering and filing every recognizance,	25
For every continuance of a cause after first term,	25
For filing a petition,	25
For judgment, or decrees thereon, per hundred words,	10
For entering a final judgment,	75
For entering a judgment for costs only,	25
For reference of accounts to arbitrators,	25
For dismissing a cause out of term time,	25
For entering a <i>nolle prosequi</i> ,	25
For every subpoena, for each witness therein,	10
For copy of order for Sheriff or Jailor,	25
For every <i>feri facias</i> ,	40
For all proceedings on the legitimation of illegitimate persons,	2 00
For motion in arrest of judgement and order thereon,	25
For all proceedings on the naturalization of a foreigner, and copy thereof with seal of court,	2 00
For entering special verdict, or judgment on demurrer, or on plea of abatement,	50
For motion for new trial, and orders thereon,	25
For entering order of appeal, and taking bond,	75

For filing the record or the papers brought up by appeal, <i>certiorari</i> , or writ of error, - -	75
For writ of error, - - - -	50
For <i>certiorari</i> , - - - -	50
For <i>supersedeas</i> , - - - -	50
For prosecution bond, - - - -	50
For taking and filing security in court for prosecution, - - - -	25
For entering on execution docket each bill of costs, and copying same on back of execution, - - - -	50
For taking and filing each affidavit, - - - -	05
For empanelling each jury, - - - -	10
For each search of record, out of court, - -	10
For each subpoena to bring in a paper a record, -	25
For receiving and paying over all taxes, fines, forfeitures, and amercements, two-and-a-half per centum, say - - - -	02½
For issuing an attachment, - - - -	1 00
For taking depositions, each, - - - -	1 00
For proceedings, conducted as equity causes, the same fees allowed Clerks and Masters in Chancery; enrolling each cause, consisting of the leading process, bond, declaration, pleas, demurrers, interlocutory order and final judgment, per hundred words, - -	10
No other papers than the above are to be enrolled, and when appeals are taken to the Supreme Court, the cause shall only be enrolled in the court where finally determined.	
For each witness ticket, (to be paid by the party applying for the same,) - - - -	05
For entering judgment against the State or County for costs, where the defendant is shown by execution to be insolvent, - - - -	75
For transcript of judgment and bill of costs for Comptroller or County Trustee, per hundred words, - - - -	10
For each attachment bond, and replevin bond, -	50
For entering judgment and copying papers on condemnation of land upon a Justice's execution, - - - -	1 50
For sale of property under decree of court, the same commissions as are allowed Clerks and Masters in Chancery.	
For affixing seal of court to a record, - -	50
For copying indictment in cases of felony into minute book, per hundred words, - -	10

## CLERKS AND MASTERS IN EQUITY.

SEC. 3. *Be it enacted*, That the Clerks and Masters in Equity shall be entitled to demand and receive the following named fees for their services, to wit:

For receiving and filing a bill, and entering on rule docket.	\$0 25
For filing each answer, plea, or demurrer,	25
For taking affidavit to a bill, answer, or plea,	25
For prosecution bond,	25
For attachment bond, or injunction bond,	50
For each subpoena to answer,	75
For a subpoena for witnesses, for each witness therein,	10
For issuing notice to complainant of the filing of an answer, or to either party of exceptions taken,	25
For each attachment or injunction,	1 00
For each rule on his docket,	10
For every order for publication in a gazette,	50
For each <i>scire facias</i> , writ of possession, distringas, or <i>venditioni exponas</i> ,	75
For recording prosecution bond,	25
For entering an issue of fact, empannelling a jury, receiving and recording a verdict and other proceedings attending a trial by jury,	1 00
For issuing order to Sheriff to summons commissioners or jurors to lay off or divide land,	50
For entering each cause, when at issue, upon the trial docket,	10
For taking each deposition,	1 00
For copy of any bills, answers, papers, or proceedings in a cause, per hundred words,	10
For entering order or decrees, per hundred words,	10
For enrolling such proceedings as are required by law to be enrolled, per hundred words,	10
For affixing seal of office to record,	50
For drawing deeds of conveyance when decreed by the court, reciting the suits and all proper facts,	2 00
For searching the record out of court,	10
For every dismissal or continuance of a cause,	25
For a report stating an account, and in which four figures shall be counted as one word, and in which, so far as practicable, figures shall be used for words, per hundred words,	1 00
For selling property under decree of court, and other proceedings, touching the custody and collection of the proceeds, at the following	

rates: At the rate of four dollars for the first hundred dollars—at the rate of three dollars per hundred for every hundred over one, and not exceeding three hundred dollars—at the rate of two dollars per hundred for every hundred over three hundred, and not exceeding five hundred dollars—and at the rate of one dollar for all over five hundred dollars, until his fees shall amount to seventy-five dollars, and in no case shall they exceed that amount. And, in the event an auctioneer, or other person shall be employed to cry the sale, it shall be done at the expense of the Clerk or Commissioner.

For examining a party on interrogatories, - • 1 00

For deciding upon exceptions to an answer, for each exception, - - - - - 10

For entering bill of cost upon execution docket, 50

And that Clerks and Masters be allowed the same fees for similar services as are allowed by this act to Clerks of the Circuit Court.

#### CLERKS OF THE COUNTY COURTS.

SEC. 4. *And be it enacted*, That the Clerks of the County Courts shall be allowed to demand and receive the following named fees for their services, to wit:

For taking the probate or acknowledgment of a deed or other instrument, and certifying the same, - - - - - \$0 25

For a commission to take the examination of a *feme covert* and all services, - - - - - 50

For taking and filing affidavits, - - - - - 10

For every subpoena to bring in a paper or record, 25

For every other subpoena, not a leading process, 15

For search or examination of record out of Court, 10

For certifying that a Justice of the Peace is an acting Justice, without the County Seal, - 25

For each certificate with the County Seal, - 50

For entering on the minutes the probate of a Will, - - - - - 50

For recording a Will, per hundred words, - 10

For qualifying an executor or administrator, entering appointment on record, taking and recording bond, - - - - - 2 00

For recording letters testamentary, or letters of administration, - - - - - 50

For copy of the same for Executor or Administrator, - - - - -	50
For recording in a well bound book, to be kept for that purpose, an inventory or account of sales, counting four figures as one word, or for a copy of the same, per hundred words, - - - - -	10
For taking bond, granting marriage license, registering same and registering the return thereof, - - - - -	1 00
For taking and recording each Guardian bond, - - - - -	1 00
For all proceedings in a case of bastardy, - - - - -	3 00
For each Apprentice Indenture, - - - - -	1 00
For qualifying Constables, entering appointment of record, taking and recording bond, - - - - -	1 00
For qualifying Sheriffs, taking and recording official bond, - - - - -	2 00
For each revenue bond, - - - - -	1 00
For recording mark or brand, and making index thereof, - - - - -	25
For rendering to the County Trustee each year an account of fines, forfeitures and other county revenue by him collected, to be paid by the county, - - - - -	1 00
For taking bond and affidavit and issuing merchants' license, - - - - -	2 00
For issuing license to exhibit shows, - - - - -	1 00
For " " " stand stallion or jack, - - - - -	50
For " " " hawk and peddle, - - - - -	1 00
For " " boat license to sell goods, &c., - - - - -	1 00
For taking and stating the account of an Executor or Administrator or Guardian, every four figures to one word, and figures to be used when practicable, per hundred words, - - - - -	1 00
For recording same, or copy of same, per hundred words, - - - - -	10
For receiving and filing suggestions of insolvency of an estate, and order for publication, - - - - -	50
For receiving and filing each claim on the same, - - - - -	10
For receiving and recording schedule of available assets of same, per hundred words, - - - - -	10
For stating account, making a pro rata distribution, counting four figures to the word, and as far as practicable, using figures, per hundred words, - - - - -	1 00
For recording same, the same as insolvent estates, - - - - -	
For copy for Executor or administrator, per hundred words, - - - - -	10
For orders of the County Court confirming settlement, - - - - -	25



For orders for the Executor or Administrator to pay the money into Court, to be paid by Executor or Administrator out of his own estate,	50
For receiving and recording tax list and computing the tax on the same for each civil district, to be paid by the County,	3 00
For copy of same for Sheriff and Tax Collectors for each civil district, to be paid by the County,	1 00
For each road order, to be paid by the County,	30
For receiving petition, making an order for a jury of view, and recording return and order of Court,	50
For entering of record <i>Venire Facias</i> , and copy for Sheriff,	50
For entering an allowance for pauper, and copy thereof,	50
For recording settlement with himself, or Clerk of the Circuit Court for County Revenue, only, each, to be paid by the County,	1 00
For entering of record any allowance and copy thereof, when necessary, to be paid by the party in whose favor it is made,	15
For issuing jury tickets, to be paid by the county, each,	05
For settling with Trustees of County Academies, to be paid by the county,	2 00
For settling with County Trustees for Common School fund, to be paid by the county,	2 00
For all other services in relation to Common Schools, to be paid by the county,	5 00
For recording petition for incorporation of city or town,	2 00
For all services in relation to the emancipation of a Slave,	3 00
For services in equity proceedings, petitions for the sale or partition of real estate, and for the sale or division of slaves and dower, the same fees prescribed by this act for the same or similar services by the Clerk of the Circuit Court or the Clerk and Master in Equity.	
For all other services for which no specific fee is herein prescribed, for each hundred words,	10
For receiving and paying over State and County Revenue, two-and-a-half per centum on the amount collected and paid over, say,	02½
For making out an abstract of each civil district's taxable property, for each district,	75

The County Court may make any allowance for ex-officio services, not exceeding 50 00

JUSTICES OF THE PEACE.

Sec. 5. *Be it enacted*, That the Justices of the Peace in this State shall be allowed to demand and receive the following named fees for their services, to-wit:

*Civil Cases.*

For issuing a warrant against one defendant,	\$0 10
For " " " for each additional defendant,	05
For issuing subpoena,	10
For " " for each additional witness,	05
For continuing each case,	10
For rendering each judgment where there is no litigation,	25
For rendering each judgment where there is litigation,	50
For docketing each case, filing papers, making out bill of costs, and entering Stay or if given,	15
For issuing execution and copy of cost,	20
For each search for any paper or record,	10
For certified copy of any record or paper in his office, per hundred words,	10
For recording the papers and proceedings in any suit where the same is required by law, per hundred words,	10
For each garnishment,	25
For each scire facias,	25
For an affidavit for an attachment, attachment bond and issuing an attachment,	1 00
For an order of publication in attachment cases,	25
For every other order required by law,	10
For granting an appeal and taking appeal bond,	50
For taking any other bond in the discharge of his official duties, for which a fee is not herein fixed,	50
For making out copy of costs in appeal cases,	10
For a commission to take depositions,	25
For taking depositions, each,	1 00
For issuing a warrant in forcible entry and detainer,	25
For trying forcible entry and detainer cases,	1 00
For issuing a writ of replevin, taking bonds, taking and filing affidavit,	1 00
For probating each account,	10

For every written affidavit, not included in some other services,	15
For every certificate not included in some other services for which a fee is herein allowed,	20

### *Criminal Cases.*

For taking written affidavit to procure warrant,	10
For issuing each warrant,	25
For each judgment,	75
For docketing each case, filing papers and making out bill of cost,	15
For each recognizance bond or Mittimus,	50
For taking the acknowledgment of securities for fine and cost under the small offence law,	10
For each execution for cost, or fine and costs and copy of cost,	25
For each subpoena for one witness,	10
For each additional witness,	05
For any other services required by law in Criminal Cases, the same fees which are allowed for similar services in Civil Cases.	
For receiving petition and granting an order for a discovery.	50

### SHERIFFS.

SEC. 6. *Be it enacted*, That the Sheriffs of this State shall be allowed to demand and receive the following named fees for their services, to wit :

For executing every Capias, Summons, or other leading process,	\$1 00
For returning any of the above writs not found,	50
For every bail bond.	25
For serving declaration in ejectment,	1 00
For serving every subpoena, for each witness,	25
For returning the same not found, for each	10
For serving every <i>scire facias</i> ,	1 00
For returning same not found,	50
For committment and release,	50
For summoning and empanelling a jury, in each case in which a jury may be sworn,	15
For executing every condemned person, including every necessary expense and service,	30 00
When special <i>venire</i> shall issue by order of Court, for summoning each juror,	15
For executing leading process in forcible entry and detainer,	1 00
For summoning each justice and juror,	25

For serving each notice of Widows' intended application for dower, (County Court,) - -	50
For making a return of a writ of partition or dower, and all necessary service in the Chancery or Circuit Court, - - -	3 00
For attending on the premises, per day, - -	2 00
For serving writ of possession of land, - -	1 00
For serving and attending any person on a habeas corpus, per day, - - -	2 00
For levying an attachment, - - -	1 00
For additional trouble in removing goods, to be taxed by the Court.	
For summoning garnishee, - - -	50
For levying an execution upon any property, real or personal, - - -	1 00
For collecting money on execution, for the first hundred dollars, - - -	4 00
For every hundred dollars over one hundred and not exceeding three hundred, - - -	3 00
For every hundred over three hundred, - -	2 00
For collecting State and County tax, six per cent. on the amount.	
For distress in collecting taxes when such Sheriffs shall have to go to the house, or may have distrained the property of the person liable to pay such taxes, after the time shall have elapsed for payment, as heretofore established by law, - - -	50
For removing any criminal from one County to another, going and returning, per mile, -	10
For guards, not exceeding two, going and returning, per mile, - - -	05
For conveying from one county to another, prisoner arrested on a Capias, to be paid by the State if a felony, by the County if for misdemeanor, the same fee allowed for conveying prisoners from one jail to another.	
For guarding defendant arrested by virtue of Justice's warrant, in addition to his fee for arrest, for every day spent in guarding the prisoner and conveying him to jail, per diem, -	1 00
For keeping each head of horses, mules or jacks, levied on by him, per day, - - -	25
For each head of cattle, per day, - - -	10
For each head of hogs or sheep, per day, -	05
For conveying a convict to the Penitentiary, for every twenty-five miles he may necessarily travel in going to and returning from the Penitentiary, for himself, - - -	3 00

For each guard,	- - - - -	1 50
For each convict,	- - - - -	1 00

*Provided*, that when any Sheriff shall convey a convict to the State Penitentiary by Railroad he shall be entitled to eight cents per mile; for each guard six cents; and for each convict five cents per mile; that hereafter when any Sheriff shall convey a convict to the Penitentiary by railroad, one of the guards shall be dispensed with unless otherwise ordered by the Court.

For each tract of land advertised for non-payment of taxes, to be paid out of the proceeds of the sale,	- - - - -	1 00
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For serving Justices' warrant, for each defendant,	- - - - -	50
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That the County Courts may allow the Sheriff such sum for ex-officio services any amount not exceeding,

For attending upon each Court per day,	- - - - -	1 50
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#### CONSTABLES.

SEC. 7. *Be it enacted*, That the Constables in this State shall be allowed to demand and receive the following named fees for their services, to wit:

For collecting on execution, the same as Sheriff.

For serving warrant, the same as Sheriff.

For serving entry and detainer, the same as Sheriff.

For serving Subpœna,	- - - - -	\$0 25
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For keeping horses and stock, same as Sheriff.

For levying attachment, J. P.,	- - - - -	50
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For " " from Court,	- - - - -	1 00
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For serving State's warrant,	- - - - -	1 00
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For guarding prisoner, same as Sheriff.

For committing prisoner under small offence law, same as Sheriff.

For serving scire facias from J. P.	- - - - -	50
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For serving notices,	- - - - -	50
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For summoning and swearing jury of view, to be paid by the County,	- - - - -	1 00
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#### CORONERS.

SEC. 8. *Be it enacted*, That the Coroners of this State shall be allowed to demand and receive the following named fees for their services, to wit:

For an inquisition,	- - - - -	\$5 00
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When discharging the duties of Sheriff or for similar services, the same fees allowed to the Sheriff.

#### JAILORS.

**SEC. 9.** *Be it enacted,* That the several Jailors in this State shall be entitled to charge and receive the following fees and compensation for their services, to wit:

For every twenty-four hours he provides good wholesome water, diet and bedding for each prisoner,	-	-	-	-	-	\$0 40
For each Turnkey,	-	-	-	-	-	50

#### SURVEYORS.

**SEC. 10.** *Be it enacted,* That the several Surveyors in this State shall be entitled to charge and receive the following fees and compensation for their services, to wit:

For each search where no copy is required, to be paid by applicant,	-	-	-	-	\$0 10
For each search and copy required,	-	-	-	-	25
For every Survey by him made, not exceeding three hundred acres where plat and certificate furnished,	-	-	-	-	3 00
For every one hundred acres over three hundred and less than one thousand acres, per one hundred acres,	-	-	-	-	1 00
For every one hundred acres over one thousand acres,	-	-	-	-	50
For recording a plat and certificate in a well bound book procured by Surveyor,	-	-	-	-	50
For adjusting and running disputed lines, for each day so engaged,	-	-	-	-	3 00
For all services ordered by a Court at the above rates, to be taxed by the Court in the bills of cost.					

#### NOTARIES PUBLIC.

**SEC. 11.** *Be it enacted,* That the Notaries Public of this State shall be allowed to charge and receive the following fees and compensation for their services, to wit:

For recording in a well bound book to be kept by him for that purpose, each attestation, pro-
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testation and other instrument of publication,	1 00
For every acknowledgment or probate of deed or other instrument of writing,	1 00
For taking depositions, each,	1 00
For any other service performed by him, the same fees allowed other officers for like services.	

## CLERKS OF CRIMINAL COURT.

SEC. 12. *Be it enacted*, That the Clerks of the Criminal Courts shall be entitled to demand and receive the same fees as the Clerks of the Circuit Court receive under this act, for similar services.

## SEALER OF WEIGHTS AND MEASURES.

SEC. 13. *Be it enacted*, That the Sealer of Weights and Measures shall be entitled to receive for sealing, fifteen cents.

SEC. 14. *Be it further enacted*, That the Coroners of the several Counties in this State, before entering upon the duties of their office, shall be required to give bond in such amount as may be prescribed by the County Court: *Provided*, said bond shall not exceed in amount the bond required to be given by the Sheriff of the County; and if the bond of any Coroner shall at any time be considered by the Court of insufficient amount, it shall be the duty of such Coroner, on being notified thereof, to give additional bond in such amount as the Court may prescribe, at the next term of said Court, and on failure so to do, the Court may dismiss him from office and appoint a successor for the balance of the term of office.

SEC. 15. *Be it enacted*, That all laws on the subject of the fees of the officers mentioned in this act are hereby repealed.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.



## CHAPTER 265.

AN ACT for the benefit of the Inspectors of the Penitentiary.

Appropriation  
for re-building.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of the State pay to Isaac Paul, Aris Brown, and B. W. Hall, Inspectors of the Penitentiary, the sum of twenty-two thousand dollars, to reimburse said Inspectors for the expenditures made by them in re-building the Penitentiary, which was burned in March last.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed January 4, 1856.

## CHAPTER 266.

AN ACT for the benefit of Huntsville Academy in the County of Scott.

May draw back  
fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Huntsville Academy be entitled to draw the academy funds to which the same would have been entitled by law, by having duly organized under its charter, passed the 3d day of December, 1851; and the Comptroller is hereby authorized and directed to pay over to the Trustees of said Academy, such funds as said Academy would have been entitled to for the years 1852, 1853, 1854, and 1855, by having duly organized and made application for said fund.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 29, 1856.

## CHAPTER 267.

AN ACT to incorporate Eureka College; the Missionary Society of the Methodist Episcopal Church South; to amend the act of 1854, chapter 93, passed February 20th; to establish Rural Vale School District, in Monroe County; to incorporate Oak Hill Academy in Williamson County; to incorporate the town of Wheatown, in Greene County; and authorizing the Trustees of Overton and Fentress Counties to pay out certain school funds originating from the sale of lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles Alfred Proctor, George Lawrence, Euclid Waterhouse, Adra Cushing, William Russell Proctor, Robert N. Fleming, and their associates Eureka College. be, and are hereby, constituted a body politic and corporate, to be known as the Trustees of Eureka College, and by that name shall hereafter have perpetual succession; a common seal, may sue and be sued, plead and be impleaded, in all the courts of law or equity.

SEC. 2. *Be it enacted*, That the said trustees, their associates and successors; by the name and style aforesaid, shall and may be competent in law to have and to hold, to receive and to enjoy, lands, tenements, mines, and hereditaments of any kind or value, in fee for life, and personal estate of any kind or description whatever, or any sums of money which may be donated, granted or bequeathed to them, for the purposes of building or endowing, or in any other manner supporting the said Eureka College, or any of the branches therein taught. Powers of Trustees.

SEC. 3. *Be it enacted*, That said trustees shall have full power and authority to elect a President and such Professors, Tutors, and other officers, of said College as they may deem necessary; and the President and Professors, when so elected, shall be constituted a faculty, Faculty—degrees. which shall have full power and authority to cultivate and teach the arts and sciences, general literature and philosophy, mines and mining, in all their various branches; also, to confer degrees of Bachelor and Master of Arts, or any other degree of literary or scientific distinction, known or conferred in the United States, upon any student or person: *Provided*, such student or person shall have attained to such standard of moral and intellectual culture as shall hereafter be required by said College.

SEC. 4. *Be it enacted*, That any four of the said trustees and faculty shall constitute a quorum to form such by-laws, rules and regulations for the government Quorum. of said college and promotion of learning therein, as they shall deem requisite and necessary: *Provided*, such by-laws and rules be not incompatible with the laws of this State. The corporation shall be governed in all

things not herein expressed, by said by-laws, and rules as may, be from time to time adopted or altered.

Exempt from  
taxation.

Sec. 5. *Be it enacted*, That all property held by the said Board of Trustees, for the use of said College, shall be free and exempt from taxation; and this charter shall be judicially recognized without special pleading in any courts of law or equity.

Location.

Sec. 6. *Be it enacted*, That the trustees aforesaid, and their associates, may locate and establish said College at such place as they, upon careful surveys, deem most advisable within the Ocoe or Hiwassee land districts.

Sec. 7. *Be it enacted*, That this act shall not be construed to exempt any property, except the College and the immediate grounds upon which it may be situated, from taxation.

Missionary So-  
ciety of the  
Methodist Epis-  
copal Church  
South,

Sec. 8. *Be it further enacted*, That Joshua Soule, President; Edmund W. Schon, Secretary; and William R. Elliston, Treasurer, they and their successors in office be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Missionary Society of the Methodist Episcopal Church, South," with power and authority to receive donations and legacies, to hold real estate, to sue and be sued, and to do all such things as are necessary to carry on their Missionary operations at home and in foreign countries; under the direction and control of the General Conference of the Methodist Episcopal Church, South.

School Fund  
of Monroe and  
Blount counties.

Sec. 9. *Be it further enacted*, That the Comptroller of the Treasury of the State is hereby required to issue his warrants, to the parties entitled thereto, for the interest on the sum of (\$3,000) three thousand dollars, created as a School Fund for the Seventeenth Civil District, in Monroe and Blount counties, by the act of the 20th February, 1854, chapter 95, section 1 and 2.

Rural Vale  
Township.

Sec. 10. *Be it further enacted*, That in consideration of the peculiar situation of a portion of the citizens of Monroe county, who live in the First Fractional Township, South, Second Range, East Hiwassee District, and in the First Fractional Township, North, Range Third, East; and Fractional Township First, North, Range Fourth, in the Ocoe District: That for their benefit a separate School District is hereby established, to be known by the name of Rural Vale Township. Beginning at the North-East corner of Section One in the Hiwassee District, running South to Jesse Isbell's in the Ocoe District, thence to John King's, thence to William Kimbrough's, thence to James Embry's, thence to Thomas Martin's, thence to Matthew and David Gunningham's and Ganet Taylor's and Isaac B. Kimbrough's, thence

to Jesse Allison's and Thomas Barnett's and E. D. Shield's, thence to Thomas Elliott's in the Hiwassee District, at Section Six, in the First Fractional Township, thence East to the beginning.

SEC. 11. *Be it further enacted*, That said Rural Vale Township shall be governed by School Commissioners, who shall be elected and discharge their duties under the same rules and regulations as are prescribed by laws heretofore passed for the government of School Commissioners in the Hiwassee and Ocoee Districts. Commissioners.

SEC. 12. *Be it further enacted*, That Sidney P. Smith, Moses E. Cator, Samuel E. McCutcheon, Samuel Northern, James Marshall, W. J. Tucker, Ennis Murry, W. Hulm and M. T. Byrns be, and they are hereby, constituted a body politic and corporate, by the name and style of the Trustees of "Oak Hill Academy," located in Williamson county; the said Trustees shall have perpetual succession, and shall have power to fill vacancies which may occur by death, resignation, or otherwise. Oak-Hill Academy in Williamson county.

SEC. 13. *Be it further enacted*, That said Trustees and their successors in office, shall be capable, in law, to purchase, receive, and hold to themselves and their successors forever, any lands, tenements, goods and chattels, which shall be given, granted, or devised to them, for the use of said Academy, and to use and dispose of the same in such manner as to them shall seem most advantageous to said Academy. The said Trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, or elsewhere. Powers.

SEC. 14. *Be it further enacted*, That the Trustees shall have power to hold meetings at such times and places as they may think proper, elect a President, Secretary, and Treasurer, and they alone shall have power to expel disorderly students, and to select or elect teacher or teachers, and to enact and adopt a Constitution and By-Laws for the government of said Academy. A majority of said Trustees shall be a quorum to do business and manage the interest of said Academy. Officers, &c.

SEC. 15. *Be it further enacted*, That the inhabitants of the town of Rheatown, in the county of Greene, are hereby constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of the Corporation of Rheatown, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, receive, purchase, hold and sell, real, personal and mixed property, for the use and benefit of said Corporation, and may have and use a Corporate Seal. Rheatown incorporated.

Boundaries.

SEC. 16. *Be it enacted*, That the limits and boundaries of said Corporation shall be as follows, to-wit:—Beginning at Isaac M. Pierce's Spring, thence South, eighteen, West, forty-two poles, to a stake, Pierces, Cox's and Duncan's Corner: thence South, twenty-two, West, forty-eight poles, to a small wild cherry and peach tree in J. S. Reeves' orchard: thence South, forty-eight, East, one hundred and six poles, to an apple-tree in Byreley's orchard: thence South four East, fifty-nine poles, to a walnut in Byreley's field: thence North, thirty-two, East, three hundred and thirty poles, to a young cherry-tree near A. D. Robertson's house: thence North, twenty-nine, West, forty-two poles, to a black oak, North of the Stage road leading to Jonesboro': thence South, forty-nine, West, one hundred and seventy-two poles, to a double black oak in Earnest's field: thence South, fifty-five, West, seventy-four poles, to the beginning.

Powers.

SEC. 17. *Be it enacted*, That the charter of Incorporation of the town of Greenville, in the county of Greene, passed 2nd of February, 1846, Chapter 201, be, and the same is hereby, adopted as the Charter of Incorporation for the town of Rheatown, except as hereinafter provided; and all the elections directed in said Act to be held by the Sheriff of the county of Greene, shall be performed by the Constable of the Fourteenth Civil District, in said county of Greene, and the first election shall be held on the first Monday in May next, and on the first Monday in January in each and every year thereafter, and if from any cause the election should not be held on the day required by law, it may be held on any other day by giving ten days notice.

School Fund  
of Overton and  
Fentress coun-  
ties—Trustees  
may pay out.

SEC. 18. *Be it further enacted*, That the Trustees of Overton and Fentress counties be, and they are hereby, authorized to pay out all school moneys that may and have come into their hands from the sale of lands, in like manner as other School Funds are paid out by them, to said counties; *provided*, that nothing in this Act shall be so construed as to authorize the distribution of the principal of said fund.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage.

NEIL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 22d, 1856.

## CHAPTER 268.

AN ACT to provide for the completion of the Capitol, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, as follows :

SECTION 1. For the purpose of completing the Capitol, to wit:

Flagging and plastering the cript.

Plastering the halls of the first story.

Flagging the halls of the second story.

Fitting up, and furnishing the library.

Furnishing the rooms used by the officers of the Government of the State, and legislative halls.

Ballustering the staircases and galleries.

Furnishing the terrace.

Pleaving the walls within and without.

Purchasing grounds north and west of the Capitol, to complete a suitable square for the same.

Enclosing the Capitol grounds with a suitable fence.

Grading and improving the same in a manner similar to the grounds around the National Capitol, at Washington.

There shall be, and hereby is appropriated the sum of one hundred and fifty thousand dollars, to raise which the Governor shall issue six per cent. coupon bonds of the State of Tennessee, of a denomination not exceeding one thousand dollars, payable to the Bank of Tennessee and its assigns, and that the Bank of Tennessee, in its assignments, shall have discretion to state the place at which said bonds shall be payable, not exceeding thirty years after date, which bonds shall be delivered to the Bank of Tennessee, and, in consideration whereof, said Bank shall honor the checks of the President of the Capitol Commissioners, the said checks to express on their face the consideration for which they are drawn.

Appropriation.

SEC. 2. *Be it enacted*, That the Capitol Commissioners shall have custody of the Capitol, and of the grounds belonging to it, until the building is completed, and said grounds enclosed and improved under their direction.

Custody of Capitol.

SEC. 3. *Be it enacted*, That the Commissioners shall cause labels to be placed over the door of each apartment occupied by the Executive officers of the Government, and standing committees, and clerks of the Legislature, designating the official character of the apartment, and no officer of any department of the Government shall use said apartments for lodging or sleeping therein, or place beds therein, or employ them for any

Regulations in regard to rooms.

other use or purpose but for the discharge of their appropriate official functions therein.

SEC. 4. *Be it enacted*, That the Capitol Commissioners shall see that the legislative or inner halls, and exterior halls, and porticoes, and terrace, and grounds aforesaid, be kept in complete and perfect order and condition, as well as all the other apartments of the Capitol, from the crypt to the tower, as well during the sessions of the Legislature as in the recesses thereof.

Procuring stone

SEC. 5. *Be it enacted*, That it shall be the duty of the Commissioners of the State Capitol to procure all necessary cut or dressed stone from the agent and keeper of the Penitentiary, at former prices. Said keeper shall render to said Commissioners a monthly report of all the work done at the Penitentiary for said Commissioners, who shall examine the same, and, if correct, the President of said Board of Commissioners shall mark said account "correctly charged," and sign his name thereto. Said monthly statement shall be kept by said Commissioners, for the inspection of the members of the next General Assembly.

SEC. 6. *Be it enacted*, That the first section of this act is not to be construed to bind the Commissioners to purchase additional grounds for the extension of the Capitol Square, but to leave such purchase to their discretion.

Purchase of  
additional  
grounds discre-  
tionary.

SEC. 7. *Be it enacted*, That it shall be the duty of the Commissioners to devise and have carried into effect some process for ventilating the halls of the House and Senate, so as to conduce to health and comfort.

NEILL S. BROWN,

*Speaker of the House of Representatives,*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed February 28, 1856.



## CHAPTER 269.

AN ACT to defray the expenses of the General Assembly of the State of Tennessee, with the Report of the Committee on Finance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each Member of the Senate and House of Representatives, for the sum stated to be due to each in the annexed report of the Committee on Finance.

SEC. 2. *Be it enacted*. That the Comptroller issue his warrant to the officers of the Senate and House of Representatives, viz:

To H. K. Walker, nine hundred and thirty dollars for one hundred and fifty-five days service as principal clerk of the Senate.

To W. A. Steffey, nine hundred and thirty dollars for one hundred and fifty-five days service as engrossing clerk of the Senate.

To Brien M. G. O'Brien, six hundred and twenty dollars for one hundred and fifty-five days service as door-keeper of the Senate.

To J. B. Jarnigan, six hundred dollars for one hundred and fifty days service as Messenger of the Senate.

To D. R. Claiborne, nine hundred and twelve dollars for one hundred and fifty two days service as principal clerk of the House of Representatives.

To W. Vance Thompson, nine hundred and six dollars for one hundred and fifty-one days services as first assistant clerk of the House of Representatives.

To Frank S. Hale, nine hundred dollars for one hundred and fifty days service as engrossing clerk of the House of Representatives.

To Robert F. Braden, six hundred dollars for one hundred and fifty days services as principal door-keeper of the House of Representatives.

To Anderson Hill, six hundred dollars for one hundred and fifty days service as assistant door-keeper of the House of Representatives.

To W. A. Glenn, assistant clerk of the House of Representatives, one hundred and eighty-six dollars.

SEC. 3. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to the following persons for the amount annexed to each of their names for stationery, coal, &c., &c.

To Jo. G. Brown, for articles per voucher No. 1	\$	23	75
Maxey & McClure,	"	2	50
Nashville Gas Co.,	"	3	425 00
A. H. Hicks,	"	4	75 30

Toon, Nelson & Co.,	5	4 45
Nashville & Chattanooga R. R. Co.,	6	3 25
P. Doyle,	7	70 40
B. R. McKennie & Co.,	8	30 00
B. R. McKennie & Co.	9	52 75
Coleman & Co.,	10	358 35
A. Dibrell,	11	200 00
John York & Co.,	12	59 10
"	13	6 00
Hagan & Bro.,	14	39 80
Chas. W. Smith,	15	1 50
"	16	315 35
"	17	2 25
"	18	13 75
Sewanee Mining Co.,	19	49 30
"	20	147 85
Toon, Nelson & Co,	21	6 00
Macey & Hamilton,	22	61 70
Jo. G. Brown,	23	3 75
Steamer Odd Fellow,	24	109 25
W. E. Beatie,	25	176 00
H. G. Scovel,	26	11 96
Gen. W. Barrow,	27	15 00
To Bank Commissioners at Sommerville, Tenn.		
James L. Green, for 15 days @ \$4,		\$60 00
Geo. W. Trotter, 10	"	40 00
Jno. C. Cooper, 10	"	40 00
At Trenton.		
Alfred Gardner, 24	"	96 00
P. H. Marberry, 25	"	100 00
J. A. McDearnon, 28	"	112 00
Postage,		1 90
At Columbia.		
R. B. Mayo, 11	"	44 00
W. J. Dale, 11	"	44 00
At Athens.		
Wm. F. Keith, 16	"	64 00
J. F. Slover, 16	"	64 00
W. L. Eakin, 10	"	40 00
At Sparta.		
H. L. Carrick, 27	"	108 00
W. E. Nelson, 20	"	80 00
James Snodgrass, 15	"	60 00
Witnesses.		
G. W. Christian,		4 04
T. H. Butler,		3 80
A. J. McElroy,		2 08
Jo. Brown,		0 75
Postage,		1 00

At Clarksville,

James L. Glenn 17 days @ \$4,	\$68 00
Chas. Hiter. 17                    "	68 00
B. W. Macrae, 17,               "	68 00
Freight on same,	1 00
To W. T. Berry & Co., as per voucher No. 30,	250 34
W. B. A. Ramsey, compiling School Laws, (31.)	350 00
John York & Co., for House & Senate (32)	85 35
James Livingston,	2 50
H. L. Claiborne, services at Mother Bank,	149 25

**SEC. 4.** *Be it enacted,* That the Comptroller of the Treasury issue his warrant to E. S. Cheatham, Speaker of the Senate, for two hundred and seventy-five dollars for the services of the boy Thompson for attending in the Senate.

**SEC. 5.** *Be it enacted,* That the principal clerks of the Senate and House of Representatives shall remain a sufficient time after the adjournment to file the papers of the two houses properly, in the office of the Secretary of the State, and close their business, for which they shall be allowed their per diem ; and that the said clerks be allowed each thirty cents per page for copying the unfinished Journal, and that the Comptroller issue his warrant for the same.

**SEC. 6.** *Be it enacted,* That the Comptroller issue his warrant, and pay the several publishers of the City newspapers for the papers furnished the General Assembly, and laid upon the tables of each member every day of the session, at the current subscription price of the same ; *provided,* said payment shall be made in accordance with a Resolution passed by the present General Assembly, regulating the number of papers each member shall receive at the expense of the State.

**SEC. 7.** *Be it enacted,* That the Secretary of State cause one copy of the Acts and Journals of the present General Assembly to be bound for each member of both Houses, and the principal clerks in the same, and distributed with the Acts and Journals.

**SEC. 8.** *Be it enacted,* That the Comptroller issue his warrant to the principal clerk of the Senate for the sum of two hundred dollars for extra clerk hire.

**SEC. 9.** *Be it enacted,* That the Comptroller of the Treasury issue his warrant to the principal clerks of the Senate and House of Representatives for one hundred dollars for preparing index to Senate Journal, and one hundred dollars for preparing index to House Journal of the present session of the Legislature.

**SEC. 10.** *Be it enacted,* That the Secretary of State shall purchase one copy of the Compilation of the Statute Laws of Tennessee, by Nicholson & Caruthers, and two copies of Nicholson's Supplement, and two copies of the Statute Laws of Tennessee, passed at the sessions of 1847-8, 1849-50, and 1851-2, and deliver a copy of the same to each of the clerks of the County Courts of Rhea and Giles Counties, to supply the justices of said counties who are without said Statutes.

**SEC. 11.** *Be it enacted,* That the Comptroller of the Treasury is hereby authorized to issue to the Secretary a warrant for the amount of the purchase-money for said Statutes.

**SEC. 12.** *Be it enacted,* That the Secretary of the State furnish Cumberland, Putnam, Cheatham, Union, and Scott Counties, with the Reports of the Supreme Court, and the numbers of copies of Caruthers & Nicholson, and Nicholson's Supplement of the Revised Statutes of this State, the complete Acts to which the officers of said counties are entitled, and that the Comptroller of the Treasury issue his warrant for that portion of the same which said Secretary may have to purchase.

**SEC. 13.** *Be it enacted,* That the Comptroller issue his warrant to the Speaker of the House of Representatives for four hundred and sixty-five dollars for one hundred and fifty-five days services of boy George, in attending on the House of Representatives.

**SEC. 14.** *Be it enacted,* That the Comptroller issue his warrant to the Speaker of the House of Representatives for fifty dollars to James Carter, free man of color, for furnishing both Houses of the General Assembly during the present session with water.

**SEC. 15.** *Be it enacted,* That the Comptroller issue his warrant to the Register of the Land Office at Nashville, for seventy-five dollars for moving the Record Books and papers of said office, and fitting them up in the office at the Capitol, and fifteen dollars for Record Book furnished for said office.

**SEC. 16.** *Be it enacted,* That the Comptroller issue his warrant to the Bank of Tennessee for four hundred and seventy-one dollars and ninety cents, for a debt due to said Bank.

**SEC. 17.** *Be it enacted.* That the Secretary of State be directed to arrange the books and documents in the Archives and room of the Secretary of State, and the Comptroller of the Treasury, his warrant for the same to the amount of two hundred dollars.

**SEC. 18.** *Be it enacted,* That the Secretary of State

be, and he is hereby authorized to take charge of the Coal, Stationery, and other articles remaining on hand, which have been purchased for the use of this General Assembly, and remain as a surplus unappropriated, and account for the same to the State, if he should in his discretion sell the same, or any part thereof, for which service he shall be allowed such compensation as may be deemed reasonable.

SEC. 19. *Be it enacted*, That the Secretary of State take charge of the Senate Chamber, Representative Hall, the different committee rooms, and all the furniture belonging thereto, and preserve the same from abuse and decay in such manner as he may deem best for the interest of the State (any law to the contrary notwithstanding,) and that the Comptroller issue his warrant on the Treasury to the Secretary of State for such an amount as may be necessary for the discharge of the duties imposed by this section.

SEC. 20. *Be it enacted*, That the Public Printers be allowed the time of ninety days from the adjournment of the General Assembly to print the Acts and Journals of the same. *Provided*, that the Publishers of the Union and American shall publish in their newspaper, and other papers in the States in which said laws are required to be published, all laws of a general character, according to the provisions of the Act of 1831, Ch. 2, Sec. 6, and those wherein elections are directed to be holden within said ninety days, shall be published immediately upon the adjournment of this Legislature.

SEC. 21. *Be it enacted*, That the Comptroller issue his warrant to F. H. Kimble, for one hundred and fifty-two dollars for the benefit of Mrs. Pavatt, widow of Felix Pavatt, late member elect to the present General Assembly.

SEC. 22. *Be it enacted*, That the Comptroller issue his warrant to the principal clerk of the House of Representatives for the sum of forty dollars for extra clerk hire.

SEC. 23. *Be it enacted*, That the Comptroller of the Treasury is hereby required to issue his warrant to the Secretary of State for the purchase of four hundred dollars worth of Ramsey's Annals of Tennessee, in accordance with resolution passed at the present session of the Legislature.

SEC. 24. *Be it enacted*, That the Comptroller of the Treasury issue his warrant to Christopher Uitch, for his per diem as a member of the Senate, from the time of his resignation up to the time his successor was qualified and took his seat as a member of that body.

**Sec. 25. *Be it enacted,*** That the Comptroller issue his warrant to the Speaker of the Senate for twenty dollars, to be paid by Thompson for fixing up Senate Chamber preparatory to the convening of the Senate, and for procuring the washing of the towels used in the Senate Chamber.

**NEILL S. BROWN,**

*Speaker of the House of Representatives.*

**EDWARD S. CHEATHAM,**

*Speaker of the Senate.*

**Passed February 29, 1856.**

# REPORT

Of the Committee on Finance, showing mileage and per diem allowance of the members of the Senate and House of Representatives of the regular session of the thirty-first General Assembly of the State of Tennessee.

## SENATORS.

NAMES OF SENATORS.	No. of Days.	Per diem.	Miles traveled.	Mileage.	Total.
J. D. C. Atkins,	155	620	220	35 20	655 20
D. W. Ballew,	"	"	310	49 60	660 60
John Bowles,	"	"	230	36 80	656 80
Thomas J. Brown,	"	"	170	27 20	647 20
R. P. Caldwell,	"	"	280	44 80	664 80
J. W. Carter,	"	"	170	27 20	647 20
W. M. Cocke,	47	188	474	75 84	263 84
Thomas Deap,	155	620	126	20 16	640 16
R. G. Ellis,	"	"	62	9 90	629 92
A. J. Fletcher,	"	"	500	80 00	700 00
A. P. Hall,	"	"	170	27 20	647 20
J. M. Havron,	"	"	228	36 48	656 48
J. W. Head,	"	"	50	8 00	628 00
A. W. Johnson,	"	"	2	64	620 64
B. F. McFarland,	"	"	450	72 00	692 00
O. L. Meeks,	"	"	300	48 00	668 00
C. S. Palmore,	"	"	400	64 00	684 00
S. R. Rodgers,	"	"	400	64 00	684 00
J. M. Sheid,	"	"	170	27 20	647 20
H. C. Smith,	"	"	700	112 00	752 00
J. M. Steele,	"	"	400	64 00	684 00
W. B. Stokes,	"	"	116	17 56	637 56
Sam. Turney,	"	"	190	30 40	650 40
W. C. Whitthorne,	"	"	84	13 44	633 44
E. S. Cheatham, <i>Speaker</i> ,	"	930	56	8 96	938 96
C. Hitch, resigned.	81	324	412	65 92	389 92
					<b>\$16,768 52</b>



## HOUSE OF REPRESENTATIVES.

Names of Representatives	No. of Days.	Per diem.	Miles traveled.	Mileage.	Total.
J. B. Algee,	155	620	212	33 92	653 92
R. H. Armstrong,	"	"	400	64 00	684 00
John Ball,	"	"	558	89 28	709 28
G. M. Bartlett,	"	"	480	76 80	696 80
E. S. N. Bobo,	"	"	150	24 00	644 00
R. G. Brazelton,	"	"	250	40 00	668 00
M. M. Brien,	"	"	134	21 44	641 44
Hervey Brown,	"	"	300	48 00	668 00
Lloyd Bullen,	"	"	550	88 00	708 00
John C. Burch,	"	"	300	48 00	668 00
Wm. A. Campbell,	"	"	500	80 00	700 00
James C. Carlock,	"	"	320	51 20	671 20
N. Y. Cavitt,	"	"	260	41 60	661 60
James T. Carmichael,	"	"	480	76 80	696 80
B. F. Cloud,	"	"	490	78 40	698 40
Geo. B. Cobb,	"	"	320	51 20	671 20
H. M. Colquitt,	"	"	300	32 00	652 00
Wm. Colburn,	"	"	400	64 00	684 00
Ed. C. Cook,	"	"	36	5 76	625 76
H. N. Cowden,	"	"	130	20 80	640 80
Herman Cox,	"	"			620 00
M. D. Davie,	"	"	100	16 00	636 00
W. H. DeWitt,	"	"	110	17 60	637 60
D. S. Donelson,	"	"	32	5 12	625 12
Wm. B. Dortch,	"	"	400	64 00	684 00
F. C. Dunnington,	"	"	84	18 44	633 44
Joshua Easterly,	"	"	220	35 20	655 20
A. T. Fielder,	"	"	316	50 56	670 56
E. A. Fort,	"	"	88	14 08	634 08
R. J. C. Galbreath,	"	"	150	24 00	644 00
M. J. Galloway,	"	"	275	47 20	668 20
B. B. Gilbert,	"	"	170	27 20	647 20
John T. Gleaves,	"	"	34	5 44	625 44
J. E. T. Harris,	"	"	600	96 00	716 00
Robert Hatton,	"	"	40	9 60	629 60
Geo. L. Holmes,	"	"	480	76 80	696 80
George Kinney,	"	"	532	85 12	705 12
W. L. Little,	"	"	108	17 28	637 28
A. M. Looney,	"	"	84	13 44	633 44

## HOUSE OF REPRESENTATIVES.

Names of Representatives	No. of Days.	Per diem.	Miles traveled.	Mileage.	Total.
Thomas Mabry,	155	620	150	24 00	644 00
T. D. Massengill,	"	"	634	101 44	721 44
W. J. Mathis,	"	"	76	12 16	632 16
J. M. Meek,	"	"	434	69 44	689 44
Eldridge Myatt,	"	"	250	40 00	660 00
T. W. Newman,	"	"	172	27 52	647 52
G. H. Nixon,	"	"	150	24 00	644 00
Adrian Northcutt,	"	"	180	28 80	648 80
Smith Parks,	"	"	280	44 80	664 80
F. H. Kimble,	117	"	200	32 00	500 00
W. W. Pogue,	155	"	190	30 40	650 40
N. M. Pope,	"	"	220	35 20	655 20
Eli Ritchie,	"	"	312	49 92	669 92
R. R. Runnels,	"	"	96	15 36	635 36
J. R. Rudd,	"	"	342	54 72	674 72
A. J. Shemywell,	"	"	180	28 80	648 80
J. B. Smith,	"	"	300	48 00	668 00
Thomas Snodgrass,	"	"	180	28 80	648 80
B. L. Stovall,	"	"	300	48 00	668 00
Sam. T. Taylor,	"	"	400	64 00	684 00
L. M. Temple,	"	"			620 00
D. B. Thomas,	"	"	350	56 00	676 00
J. M. Tompkins,	"	"	60	9 60	629 60
A. J. Tipton,	"	"	636	101 76	721 76
W. E. Travis,	"	"	200	32 00	632 00
Wm. Wallace,	"	"	400	64 00	684 00
W. W. Ward,	"	"	106	16 96	636 96
R. H. Watkins,	"	"	150	24 00	644 00
H. I. Welcker,	"	"	320	52 16	672 16
Moses White,	"	"	400	64 00	684 00
Robertson Whitesides,	"	"	130	20 80	640 80
Ewing A. Wilson,	"	"	80	12 80	632 80
J. W. P. Wilson,	"	"	212	33 92	653 92
E. J. Wood,	"	"	100	16 00	666 00
R. H. Wood, 4 d. Speaker,	"	"	340	54 40	682 40
N. S. Brown, Speaker,	"	"			922 00
					<b>\$66,445 53</b>



# RESOLUTIONS.

## NUMBER 1.

Resolution declaring the duty of the General Government in regard the Tobacco interests of the United States.

WHEREAS, The great and growing Tobacco interest of this State, together with that of the other planting States of this Union, has been, and is now, very materially injured and lessened by the unjust and unequal system of duty or taxation imposed on this branch of our Agricultural products by foreign nations; and whereas, a more liberal system of free trade is beginning to dawn on the old exclusive policy of the nations of the earth, as is evidenced by the "Reciprocity Treaty," which has lately gone into effect between the United States and England, in regard to the British Provinces, whereby many of the leading productions of the respective countries have been freed from prohibitory duties; and whereas, the liberal policy recognized towards other products, has been closed against the staple of Tobacco, without any just cause—a majority of all European nations placing upon it an enormous tax or exclusive monopoly, such as never burdened any other production of any other country; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That it is the duty of the government of the United States, in all future treaties with foreign countries, to see that the great staple of Tobacco is placed on an equal footing with the other great agricultural interests of our common country.

*Resolved,* That we respectfully urge upon the members of the Southern Commercial Convention, at their next meeting, to take this subject into consideration, thereby hoping to bring it more prominently before the different States of the Union interested in the culture, and consequently, in the increased consumptive demand of Tobacco.

*Resolved,* That our Senators in Congress be instructed, and our Representatives be requested, to use every

means in their power to produce a more liberal policy in these foreign governments now having such restrictions and monopolies on this branch of our national wealth.

*Resolved*, That the Governor be requested to forward a copy of the above Preamble and Resolutions to the President of the United States, our Senators and Representatives in Congress, and the President of the Southern Commercial Convention.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 7, 1856.

## NUMBER 2:

*Resolution Directory to the Committee on the Penitentiary.*

*Resolved by the General Assembly of the State of Tennessee*, That the Committee of the two Houses upon the Penitentiary, be empowered to send for and examine upon oath such persons as they may deem proper, touching all matters connected with the management of that institution.

*Resolved*, That it be the duty of said Committee to examine into the affairs of the management of the Penitentiary during the last six years, and report to this House what frauds, if any, have been perpetrated by officers of that institution; and by whom.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted January 25, 1856.

## NUMBER 3.

Directory to the Attorney General of the State.

*Resolved by the General Assembly of the State Tennessee,* That the Attorney General of the State, and such other counsel as the Governor may appoint, be, and they are hereby directed, if in their opinion from the best information they can obtain, such a step be necessary or proper, to institute and prosecute legal proceedings against the companies or corporations under whatsoever name they may be operating, chartered by sections 68, 69, 70, 71, 72, 73, 74, and 75, of "An act to incorporate the Etna Mining and Manufacturing Company; and for other purposes," passed March 2, 1854, to ascertain whether or not said companies have banking privileges conferred upon them by their charters; and whether or not said charters were constitutionally passed by the General Assembly; also, to ascertain whether said charters are valid or unconstitutional and void.

*Resolved further,* That if the charters of said Companies are found to be unconstitutional or void for fraud in their procurement, said Attorney be required to have them judicially declared so; and that the Attorney General, and counsel so employed by the Governor, enquire whether any person or persons were instrumental in fraudulently procuring the passage of said sections of said act; and if so, and they should be liable by the criminal law of this State to indictment, the Attorney General and counsel aforesaid, are hereby instructed to prosecute such person or persons, and enforce the severest penalty of the law for such offence.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 3, 1855.

## NUMBER 4.

Resolution addressed to the Governor of the State.

*Resolved by the General Assembly of the State of Tennessee,* That the Governor be, and he is hereby, requested to furnish the Legislature (now in session,) at as early a day as practicable, such information as he may have received from the Commissioner of Roads, touching the interest of the State in the various internal improvement companies in this State.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted December 13, 1855.

## NUMBER 5.

Resolution providing for the appointment of a Committee of the two Houses of the General Assembly to investigate the Bank of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That a Committee of three be appointed by this House to act with such committee as may be appointed by the Senate, to investigate the Bank of Tennessee, upon the principles laid down in the resolutions passed at the present session of the General Assembly, omitting such items as they may not deem important; and that said committee have authority to appoint a clerk to aid them in their labors, and that said clerk shall receive the sum of four dollars per day for his services as aforesaid: *Provided,* that the said committee and the commissioners heretofore appointed to examine the Branches of said Bank, shall have until the 15th of January next, to make their report to this General Assembly.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted December 13, 1855.



# NUMBER 6.

Resolution directed to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee,* That it is hereby made the duty of the Secretary of State, in arranging the Acts and Resolutions of the General Assembly, to separate those of a general nature from the private or local acts; and it is the duty of the Public Printer to so arrange them in the publication of the same.

NEILL S. BROWN,

*Speaker of the House of Representatives*

EDWARD S. CHEATHAM

*Speaker of the Senate.*

Adopted February 16, 1856.

# NUMBER 7.

Resolution instructing our Senators and Representatives in the Congress of the United States to procure, if possible, the passage of an act granting an appropriation from the National Treasury, or a donation of Lands, to levee the eastern bank of the Mississippi River, from Hickman, in Kentucky, to the mouth of Wolf River.

Whereas, That under the operation of laws passed by Congress, granting lands to the States of Missouri and Arkansas, and to companies for the building of levees along the western bank of the Mississippi River: And whereas, the construction of said levees have caused the waters of said river to inundate large and valuable tracts of land in Tennessee, hitherto above the overflow of said river, and also covered to a much greater depth large and rich bodies of land that were inundated by the natural overflow of said river; therefore,

*Resolved by the General Assembly of the State of Tennessee,* That our Senators be instructed, and our Representatives in Congress be requested, to secure, if possible, an act of Congress appropriating out of any monies in the National Treasury not otherwise appropriated, or a donation of public lands not otherwise disposed of, sufficient to levee the eastern bank of the Mississippi River, from Hickman, in Kentucky, to the mouth of Wolf River, so as to prevent any further overflow.

*Resolved*, That this appropriation or donation would restore to the use of our citizens large bodies of valuable lands, and that the General Assembly relies with implicit confidence upon the justice of Congress—believing that Congress will at least restore us to the condition in which we were formerly placed, and not cast burdens upon us which nature refused to do.

*Resolved*, That His Excellency, the Governor of this State is hereby requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 30, 1855.

## NUMBER 8.

Resolution to instruct our Senators in Congress, and request our Representatives to aid in the passage of a bill granting a pension to the soldiers of the war of 1812, and the various Indian wars.

*Resolved by the General Assembly of the State of Tennessee*, That our Senators in the Congress of the United States be instructed, and our Representatives most respectfully requested to use all reasonable diligence and exertion to procure the passage through Congress of a bill granting a pension to the soldiers of the war of 1812, and the various Indian wars in which the government has been engaged; and that the Governor of the State be respectfully requested to forward a copy of this resolution to the President of the Senate, and the Speaker of the House of Representatives in Congress.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted December 15, 1855.

## NUMBER 9.

Resolution appointing Commissioners to investigate the Rogersville Branch of the Bank of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That George Hale, Joseph R. Mitchell, and J. H. Vance, all of the County of Hawkins, be appointed in the room and stead of the Commissioners heretofore appointed by this General Assembly to investigate the state and condition of the Branch Bank of the State of Tennessee, at Rogersville, and who have resigned, with the same powers, privileges and duties as were conferred on the former Commissioners, and be entitled to the same compensation for their services as such; and that it be the duty of the Governor to inform said Commissioners, at his earliest convenience; and that said Commissioners have until January 25, 1856, to make their report to this General Assembly.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted January 4, 1856.

## NUMBER 10.

Resolution appointing Commissioners to examine claim of J. Blair, W. Y. Huff, et als.

*Resolved by the General Assembly of the State of Tennessee,* That John L. T. Sneed, Oliver P. Temple, and Horace Maynard, be appointed Commissioners to examine into the justice of the claim of John Blair, W. Y. Huff, and the representatives of James Johnston and Wiley Blair, against the State, arising out of litigation in defending and perfecting their title to a section of land purchased of the State, and known as the "Path-killer Reservation," in the Hiwassee District, claimed as against their title under a reservation alleged to have been made by Path-Killer; and that they, or a majority

of them, report to the next General Assembly of this State in detail, their conclusions as to the justice of the claim of the said parties against the State, and the amount of the equitable liability of the State, if any; and said Commissioners' compensation to be paid by the parties, Blair et al.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 16, 1856.

## NUMBER 11.

A Resolution for the benefit of James D. Thompson, J. W. Carter, A. M. Savage, and W. Britton.

*Resolved by the General Assembly of the State of Tennessee,* That the Hon. A. J. Marchbanks, Judge of Thirteenth Judicial Circuit, or the Hon. B. L. Ridley, Chancellor of the Fourth Chancery Division in said State, be, and they, or either of them, are hereby authorized and empowered to allow to James P. Thompson, Joseph W. Carter, A. M. Savage, and Washington Britton, a reasonable fee to each of them for their services as counsel in prosecuting and recovering, in the name of the State, a tract of school land of 320 acres, lying in Warren County, in the Sixth Fractional Section and Ninth Range, to be paid out of the proceeds arising from the sale of said tract, now on deposit in the Branch Bank of Tennessee at Sparta. *Be it further resolved,* that said Judges, or either of them, allow said Thompson, Carter, Savage, and Britton a reasonable fee for their services as counsel for prosecuting and recovering a tract of school land of 640 acres, lying in said County, in the Seventh Section and Ninth Range. *Also,* allow said Carter and Britton a reasonable fee as counsel for prosecuting and recovering one other school tract of 320 acres, lying in said County, in the Seventh Fractional Section and Ninth Range, which fees are to be paid out of the monies arising from the sales of said tracts of land now in said Branch Bank, or which may hereafter be paid into said Bank, as such monies.

*And be it further resolved,* That said counsel be allowed any sum, or sums of money which they or either of them may have laid out and expended in prosecuting said suits; and when said Judges, or either of them, shall have allowed said fees and expenses, he or they shall certify the fact, stating the different amounts so allowed, to the Cashier of said Bank, whose duty it shall be, and he is hereby required, to pay said amounts so allowed to said counsel, taking their receipts for the same, which receipts and certificates of said Judge or Judges shall be sufficient vouchers for said Cashier on settlement of his accounts with said Branch Bank, or Principal Bank at Nashville.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted January 21, 1856.

## NUMBER 12.

A Resolution directory to the Comptroller of the Treasury.

*Whereas,* one hundred and twenty-five dollars, collected by the Clerk of the Supreme Court, at Jackson, on the 8th April, 1850, in the case of the State *vs.* Wm. H. Wooten, belongs to Tipton County, and was by mistake paid into the State Treasury, therefore

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and he is hereby directed to issue his warrant to the County Trustee of Tipton County for said sum of one hundred and twenty-five dollars. *Provided,* it shall appear to the Comptroller that said money was wrongfully paid into his office.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 23, 1855.

## NUMBER 13.

A Preamble and Resolution adverse to a change in the Constitution of the United States.

*Whereas*, The Federal Constitution was agreed upon and adopted by all the States, giving to us the liberty that we enjoy; liberty and freedom that no other nation is blessed with, it being the work of our ancestors, purchased by their blood, handed down to us in its purity, it has been, and always should be, held sacred and inviolate, and should be held with reverence, surpassed only by the Bible itself. *And whereas*, the nation, under its operation, has grown to be one of the most powerful nations in the world, and, while other nations have had differences that drove them into civil war and confusion, we, under the operation of our glorious Constitution, have been at peace with each other. Party feeling and sectional differences sometimes have arisen, and one would have imagined they saw breakers ahead—the white caps arising—but on being pointed to the old Ship of State—the Constitution—all fears were at an end, peace, quietness, harmony, and union restored. *And whereas*, we regard it, in its present state, as the palladium of our liberty, the great sheet-anchor of our safety, the source of obtaining our just rights and equality. *And whereas*, a change of that instrument has been proposed and recommended by the present Governor of this State, in his Message to this and the General Assembly two years ago, a change, if adopted, which would be dangerous to our liberties and the perpetuity of this glorious Union, as it would inevitably open the door for other changes, no doubt, that would be demanded, thereby causing it to lose that sacredness and reverence, and could no longer be held out to the American people as the work of our ancestry, but would be regarded as the work of demagogues and fanatics, therefore

*Be it resolved by the General Assembly of the State of Tennessee*, That the amendments proposed and recommended by the Governor, are unwise, inexpedient, and dangerous to our liberty and the perpetuity of this Union, and that the change is uncalled for by the American people, and that we condemn the proposition, let it come from whatever source it may, and that our Senators in Congress be instructed, and our Representatives requested, to oppose, by all just and honorable means,

any amendments offered to the Constitution of the United States.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Adopted February 1, 1856.

### NUMBER 14.

**A Resolution for the relief of the people of the First Fractional Township, First Range east of the meridian, in the Hiwassee District.**

*Be it resolved by the General Assembly of the State of Tennessee, That the Hon. E. Alexander, Judge of the Second Judicial Circuit of Tennessee, be, and he is hereby appointed a Commissioner to hear proof, and determine whether the Surveyor of the Hiwassee District, or any of his deputies, surveyed and laid off six hundred and forty acres of land, for the use of schools, in the First Fractional Township, First Range east of the meridian, in the Hiwassee District, Roane County, Tennessee, as provided, in the 59th chapter of an act of the General Assembly of the State of Tennessee, passed in 1819, entitled An act to dispose of the lands, lying between the rivers Hiwassee and Tennessee, and north of Little Tennessee River, and as required by the act of Congress, commonly called the "Cession Act," passed in 1806, and if no land has been laid off and applied to the use of schools in said fractional township, then that the said Commissioner report to the next General Assembly of this State the value of the sixteenth section of land, at the time of the public land sales in said Hiwassee District, and its present value, and if said sixteenth section was unfit for cultivation, or otherwise appropriated, then he shall report, as above required, on the next section of land, not similarly situated.*

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Adopted December 20, 1855.



## NUMBER 15.

Resolution instructing our Senators, and requesting our Representatives in Congress to favor, so far as it may be in their power, the Southern Pacific Railroad route through Texas.

*Whereas*, it is of the first consequence to the State of Tennessee, that the great Atlantic and Pacific Railroad thoroughfare should pass through her territory; and

*Whereas* it is believed by this General Assembly, that the projected route, known as the Southern route through Texas, is not only the nearest and most practicable, but that it may contribute to effect the aforesaid object: therefore

Be it resolved by the General Assembly of the State of Tennessee, that our Senators in Congress be instructed, and our Representatives requested to use their utmost exertions to procure the passage of a law by Congress favoring the construction of and the location of the great Pacific Railroad, along that route known as the Southern route through Texas, and appropriating to it all the patronage and means consistent with the policy and powers of the General Government.

*Resolved*, That the Governor of this State be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted Nov. 21, 1855.

## NUMBER 16.

Resolution directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee*, That the Secretary of State be authorized and required to purchase twenty copies of the Acts of the last General Assembly, and have the same forwarded to

the Clerk of the County Court of Henderson County, for distribution by him, to such Magistrates of said County as have not heretofore been supplied with said acts.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Adopted Oct. 29, 1855.

## NUMBER 17.

Resolution allowing the American Medical Association the use of Representative Hall.

*Whereas*, It is contemplated by the American Medical Association to hold its annual sessions for the year 1857 in the city of Nashville; and whereas there is no other building in the city suitable for the accommodation of said Association, therefore •

*Be it resolved by the General Assembly* That this Representative Hall be and the same is hereby tendered to said Association, for its use and accommodation during its sittings in this city.

NEILL S. BROWN,  
*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Adopted Nov. 28, 1855.

## NUMBER 18.

Resolution directory to the Presidents and Cashiers of the Bank of Tennessee, and of the Union and Planters Banks.

*Be it Resolved, by the General Assembly of the State of Tennessee*, That the Presidents and Cashiers of the Bank of Tennessee, the Union Bank and the Planters' Bank, be requested to answer in writing to the Legis-

lature, when, if at all, they intend to discontinue the issuance of notes payable at any other point than at their counters, and that said officers be requested to indicate their policy in that behalf.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 9, 1856.

## NUMBER 19.

Resolution complimentary to J. G. M. Ramsey, Esq.

*Whereas*, it is the sense of this General Assembly, that the Annals of Tennessee, as written by J. G. M. Ramsey, A. M., is a history of the State of Tennessee, to the year, 1800, invaluable to the present as well as the future generations, and creditable to our country, as a literary production; and

*Whereas*, all of the States of this Union, without exception, have in a grateful spirit liberally patronized the efforts of such of their sons as had devoted their time, talents, and money to the production of the History of their State (in the case of the History of Tennessee, a most arduous work, involving much research, perseverance and learning,) and

*Whereas*, this General Assembly appreciates the delicacy which prevents an author of refined sentiments, such as is believed to be the author of the "Annals of Tennessee," from seeking that aid which the Legislature ought not to permit him to ask; and while we enjoy with him the high encomiums and commendations bestowed upon him by critics, by the press, literary, religious, and political in the United States, and in England, we need not be reminded of the vast expenditure of time and money, but for which the History of Tennessee might not have been raised from the oblivion in which it was buried, and

*Whereas*, further, Tennessee is proud to encourage by every means in her power the perpetuation of her glorious History; therefore

*Be it resolved by the General Assembly of the State of Tennessee, That we return J. G. M. Ramsey, of Meclenburg, Tennessee, the thanks of this General Assembly for the first Volume of his very able, interesting and faithful History of the State of Tennessee, and that while we are grateful for the patriotic labor which he has so faithfully accomplished, we respectfully express a hope that he may find it convenient to continue the same until its final completion.*

*Resolved, That in view of the preceding, the Secretary of State is authorized to purchase a number of the copies of the "Annals of Tennessee," from the Author not exceeding four hundred dollars worth, which, when purchased shall remain in the State Library, one copy to be tendered in exchange with such sister States, of this Union, as have published Histories, for copies of their respective Histories. and one copy to be similarly exchanged with such as may hereafter have their Histories written, and also one copy to be presented by the State to each of the Public and incorporated Institutions in the State for the use of their respective Libraries.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 29, 1856.

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## NUMBER 20.

*Resolution in relation to School Lands in the Hiwassee District.*

*Whereas, It has been represented to this General Assembly, that no school lands were ever set apart for common school purposes in the mountainous portion of so much of the Hiwassee District as lies north and east of the Tennessee River, as was required by the act of 1810, chapter 59, section 1, and that the whole of said district has been granted by the State; and whereas, the people residing within the second fractional township in ranges six and seven, have presented their petition*

asking for an appropriation in lieu of said lands ; therefore,

*Resolved by the General Assembly of the State of Tennessee,* That Hon. E. Alexander, Geo. Brown, and T. C. Lyon, Esqs., be, and they are hereby appointed Commissioners to investigate the justice of said claim, with power to send for persons and papers ; and said Commissioners, or any two of them, shall report to the next General Assembly touching the premises. They shall also report whether any school lands were ever set apart to the townships or fractional townships lying in or near what is called Cade's Cove and Tuckaleechee Cove, and what is the reasonable value of the school lands to which said fractional townships are entitled, and what are the proportionate size of said townships, and any other matter they may think necessary and proper.

*Be it further resolved,* That T. Nixon Vandyke, of McMinn County, and George W. Rowles, of the County of Bradley, in connection with the Commissioners named in the foregoing resolution, be, and they are hereby appointed Commissioners, with full powers to ascertain the number of fractional townships in the Hiwassee and Ocoee Districts that have never obtained school lands, or any of the benefits accruing therefrom, and make report to the next General Assembly, with such suggestions as they in their judgment may think right and proper, to place said unprovided fractional townships on an equal footing with other townships in said Hiwassee and Ocoee Districts ; and said Commissioners are hereby invested with the same powers in the investigation of this business as are given to the Commissioners in the foregoing resolution, for the purpose of investigating the school lands in the Hiwassee District.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 28, 1856.

## NUMBER 21.

*Resolution directory to the Secretary of State.*

*Resolved by the General Assembly of the State of Tennessee, That the Secretary of State, in the distribution of the Acts of this General Assembly, and the Report of the State Geologist, and of the Agricultural Bureau, be also required to send to the address of each member to his county seat for distribution, the pro rata number of the Journals of Congress, Acts of the Congress of the United States, and all other Public Documents sent to his office for distribution, under the same rules and regulations as provided for the distribution of the Acts of the General Assembly, and that this distribution shall embrace all Public Documents ordered to be printed by this Legislature.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 28, 1856.

## NUMBER 22.

*Resolution recommending the appointment by Congress of an accredited Commercial Agent resident in Foreign Ports.*

*Whereas, in the opinion of the General Assembly of the State of Tennessee, the Agricultural interests, as well as the general productive industry of the American people, and especially of the Cotton, Tobacco, and Grain productions in the Middle, Western, and Southern States, would be greatly promoted by a system of direct trade and commercial intercourse with the markets of Europe, whereby our people would be relieved from the onerous burthens, losses, and sacrifices, to which they are now subjected by the speculating monopolists of our Atlantic cities, and that the great obstacle in the way of such direct intercourse and trade, is in the want of reliable and proper information among our people as to the current condition of such foreign markets, the*

facilities of commercial correspondence, as well as knowledge of current freights, tonnage, and duties incident to such export trade, and that such information as would enable our people to select understandingly between a foreign and domestic market, could be best obtained by the appointment by the General Government of an accredited Commercial Agent to reside at some one of the cities of Amsterdam, Havre, Liverpool, or London, whose duty it should be carefully to collect from time to time all necessary information in reference to the current prices of Cotton, Tobacco, Rice, Breadstuffs, and such other commodities as are, or may be produced by our people, and the current rates of freight, foreign tariffs on imports, as well as to the current rates of exchange between said several cities, and the commercial marts of this country, and such other valuable information as may be necessary, and communicate the same from time to time to the Department of the Interior at Washington, to be embodied in an Annual Report of that Department to Congress, or otherwise to be circulated among the people; therefore,

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring the passage of a law by Congress, creating such a Commercial Agency as is contemplated in the foregoing Preamble.

*Resolved*, That copies of said Preamble and Resolution be transmitted without delay to each of said Senators and Representatives aforesaid.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 29, 1856.



## NUMBER 23.

**A Resolution to provide for the distribution of the Report of the State Geologist.**

*Be it resolved by the General Assembly of the State of Tennessee,* That in the event the Report of the State Geologist is not printed and ready for distribution before the adjournment of the present session of the General Assembly; the Public Printer is hereby directed to deposit all said Reports, except as hereafter provided, with the Secretary of State, to be distributed to the various counties of the State, with the Acts and Journals of the present Session; and the Public Printer is also instructed to equally divide said Reports, so as to be distributed amongst the members of the General Assembly, and to put them up separately, directed to the several members, at their respective county-towns, to be distributed by them amongst their constituents.

*Resolved,* That fifteen hundred copies of said Report be deposited in the State Library, and that the one thousand be given to the State Geologist, to dispose of as he may desire; and that the Secretary of State may contract with the distributor of the Laws and Journals for the distribution of the Report of the Geologist, and also the Report of the Agricultural Bureau.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 27, 1856.

## NUMBER 24.

**A Resolution directory to the Commissioners of the State Capitol, &c.**

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of two be appointed on the part of the Senate, to act with such committee as may be appointed by the House, to call upon the Commissioners of the State Capitol, (in pursuance of a suggestion made in the Report of the Capitol Commissioners to the present General Assembly,) with a view to

ascertain how long a time will be required for the completion of said building, grounds, &c., and what will be the probable amount of money necessary for the entire completion of the Capitol, Capitol grounds, &c., and that they report as early as practicable.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 23, 1855.

## NUMBER 25.

A Resolution relative to School lands in White and other counties.

*Whereas*, By the aid of Congress, the 640 acres of lands was given in each section of six miles square in the Counties of White, Warren, Macon, Jackson, Putnam, and Overton, which was directed to be done by the laws of Tennessee; *and, whereas*, said lands have been sold by the State, and the children of said sections deprived of their school lands; therefore

*Be it resolved by the General Assembly of the State of Tennessee*, That the Hon. John L. Goodall, Judge Jabez Mitchell, and E. L. Gardenhire, be appointed to report to to the next session of this General Assembly the facts, and whether the lands were laid off as directed by law to the schools entitled to it, and what would be the value of the land which ought to have been laid off.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 29, 1856.

## NUMBER 26.

• Resolution Directory to the Keeper of the Lunatic Asylum.

*Resolved by the General Assembly of the State of Tennessee, That the Keeper of the Lunatic Asylum, deliver up to the County Court of White county, or the officer of said county, Mrs. Rose, who has been confined in the Asylum a number of years without any prospect of cure, and that he receive into said Asylum James W. Scott, a lunatic, who may be recived from said county of White, when presented, in her room and stead.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 12, 1855.

## NUMBER 27.

Resolution instructing our Senators and requesting our Representatives to procure the Amendment of the Bounty Land Act of 3d of March, 1855, so as to extend its provisions to the Tennessee Volunteer Companies of 1836.

*Whereas, in the year 1836, Governor Cannon, of the State of Tennessee, in obedience to the instructions of Major-General E. P. Gaines, commanding the Western Department, made a call on the State of Tennessee for volunteers for the service of the United States, and for the protection of our Western frontier and preserving the neutrality between Mexico and our Government: and, whereas East Tennessee, with other portions of the State, nobly responded to said call, and a number of volunteer companies, with just pride and patriotism, though at great sacrifice, repaired to Athens, Tennessee, in obedience to said call, and were mustered into the regular service of the United States under Gen'l Wool, and were ordered home to await further orders from the General Government; and although said companies were in the actual service of the General Government more than twenty days and received one month's pay, still said companies have been denied their Bounty Land under the Act of 3rd of March, 1855, under the decision of the Commissioner of Pensions that said service must be performed at the seat of war; therefore,*

*Be it Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed and our Representatives requested to use all laudable means to procure the amendment of the Bounty Land Act of March 3rd, 1855, so as to extend the provisions of said Act to all the volunteer companies in said war; and that the Governor be requested to furnish a copy of this Preamble and Resolution to each of our Senators and Representatives in Congress.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 28, 1855.

## NUMBER 28.

Resolution in relation to the Voluntary Inspection Laws of Louisiana.

*Whereas, It is represented to this General Assembly that it is contemplated by the Legislature of the State of Louisiana, to abolish the voluntary system of Inspection of Pork, Flour and Tobacco, in the City of New Orleans, and such a step would result in serious loss and great inconvenience to the producers of those articles in the State of Tennessee; therefore,*

*Resolved by the General Assembly of the State of Tennessee, That the Legislature of the State of Louisiana be, and it is hereby, earnestly and respectfully requested to permit the voluntary system of Inspection to remain as it now is; for experience has shown, that under its operation, the producers of Tennessee have been much more benefited than under the old compulsory system of Inspection.*

*Resolved, That the Governor of this State be requested to forward a copy of this Preamble and Resolutions to the Governor of Louisiana, with a request that he lay them before the Legislature of that State.*

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 23d, 1856.

## NUMBER 29.

Resolution complimentary to Lieut. M. F. Maury, &c.

*Resolved by the General Assembly of the State of Tennessee,* That they regard Lieut. Matthew F. Maury, of the United States Navy, as illustrious by his past services, and fully entitled to the highest rank in his profession, and they feel that the pride of the nation and the cause of science would be wounded in his fall.

*Resolved,* That it is the firm sense of this General Assembly, that the Navy of the United States ought to be considerably enlarged and strengthened and invigorated, so as to be rendered more adequate to the protection of the commerce of the country and of our long line of sea-coast, and that the attention of our Senators and Representatives is respectfully and earnestly invited to this subject.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February 7, 1856.

## NUMBER 30.

Resolution providing for the number of Acts and Journals of the Legislature of 1855-'56 to be printed.

*Resolved by the General Assembly of the State of Tennessee,* That there shall be printed of the Acts of the present session of the Legislature, for distribution, one copy for each Justice of the Peace in this State, one copy for each Sheriff, one for each Circuit Court Clerk, one for each County Court Clerk, County Trustee, County Register, Coroner, Ranger, Entry Taker, and Surveyor; and that there shall be printed for distribution, one copy of the Journal of each branch of the Legislature, for each Civil District of each County in this State, to wit:

Counties.	No. of Acts.	No. of Sen. Jour.	No. of Ho. Jour.	Counties.	No. of Acts.	No. of Sen. Jour.	No. of Ho. Jour.
Lauderdale,	29	9	9	Bedford,	51	20	20
Sevier,	35	12	12	Lewis,	39	10	10
Hawkins,	43	16	16	Warren,	44	16	16
Shelby,	42	14	14	Sullivan,	42	16	16
Lincoln,	62	25	25	Dickson,	33	11	11
Hardin,	41	15	15	Jefferson,	43	15	15
DeKalb,	43	15	15	Morgan,	27	8	8
Madison,	55	20	20	Franklin,	40	15	15
Greene,	56	23	23	Lawrence,	45	18	18
Hamilton,	39	14	14	Grundy,	29	9	9
Cocke,	35	12	12	Gibson,	53	20	20
McMinn,	45	17	17	Wayne,	45	17	17
Weakley,	50	21	21	Rhea,	32	10	10
Grainger,	45	17	17	Van Buren,	27	8	8
Claiborne,	36	12	12	Bradley,	35	12	12
Polk,	29	9	9	Monroe,	52	20	20
Meigs,	27	8	8	Stewart,	35	12	12
Overton,	36	12	12	McNairy,	41	15	15
Blount,	44	17	17	White,	41	15	15
Williamson,	59	24	24	Obion,	35	12	12
Humphreys,	33	11	11	Tipton,	32	11	11
Davidson,	65	25	25	Haywood,	41	15	15
Montgomery,	58	24	24	Johnson,	33	11	11
Macon,	35	12	12	Carter,	33	11	11
Sumner,	50	19	19	Rutherford,	61	25	25
Fayette,	41	15	15	Henry,	51	22	22
Maury,	55	25	25	Anderson,	38	14	14
Marion,	37	13	13	Smith,	54	21	21
Dyer,	36	12	12	Giles,	52	20	20
Robertson,	44	17	17	Roane,	42	15	15
Jackson,	42	15	15	Knox,	51	19	19
Henderson,	52	20	20	Hickman,	38	13	13
Benton,	31	10	10	Carroll,	49	19	19
Wilson,	63	25	25	Marshall,	42	15	15
Washington,	46	18	18	Cannon,	33	12	12
Scott,	27	8	8	Hardeman,	46	17	17
Fentress,	32	11	11	Campbell,	41	15	15
Perry,	33	11	11	Coffee,	35	12	12
Decatur,	33	11	11	Putnam,	40	15	15
Hancock,	28	9	9	Cumberland,	30	10	10

*And be it further resolved*, That there shall also be printed for each member of the Senate and House of Representatives, one bound copy of the Acts, and one bound copy of the Journal of the Senate and House; for the office of the Secretary of State, two hundred copies of the Acts, and fifty bound copies of the Journals of each House; for each Judge of the Supreme Court, for each Judge of the Circuit Courts, for each Judge of the Criminal Courts, for each Chancellor in this State, and for the Assayer of the State, one copy of the Acts. For each of the Supreme, Chancery, and Criminal Court Clerks, one copy of the Acts; for each Attorney General, one copy of the acts; for the Comptroller and Treasurer, each, one copy of the Acts; for each State and Territory, and the District of Columbia, two copies of the Acts.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted February, 1856.

### NUMBER 31.

Resolution appointing Commissioners to investigate the Bank of Tennessee and Branches.

*Resolved by the General Assembly of the State of Tennessee*, That the following persons shall be, and are hereby, appointed Commissioners to investigate the condition of the Bank of Tennessee and its several Branches, to wit:

For the Branch at Nashville, William Nichol, Robert Farquaharson, Wm. B. Shaphard, Granville P. Smith, and Jno. A. McEwen.

For the Branch of said Bank at Athens, William F. Keith, John F. Slover, of McMinn, and J. I. Wright, of Monroe.

For the Branch of said Bank at Rogersville, Stokely D. Mitchell, James Sevier, and John D. Riley.

For the Branch of said Bank at Sparta, H. L. Carrick, John B. Rodgers, and Joseph Snodgrass.



For the Branch of said Bank at Shelbyville, Montgomery Caldwell, of Bedford, R. Farquharson, of Lincoln, and Frederick Loughmiller of Franklin County.

For the Branch of said Bank at Columbia, J. M. Larkins, R. Mayes, and Pleasant N. Walker.

For the Branch of said Bank at Somerville, John C. Cooper, of Fayette County, J. M. Barnett, of Shelby County, and James L. Green, of Lauderdale County.

For the Branch of said Bank at Trenton, James A. McDearmon, of Gibson County, P. H. Maberry, of Obion County, Alfred Gardner, of Weakley.

For the Branch of said Bank at Clarksville, Wm. M. Stewart, James L. Glenn, and B. W. McRea,

*Resolved*, That the said Commissioners, after first being duly sworn before some Judge or Justice of the Peace, to investigate the condition of said Bank and Branches, respectively, as hereinafter prescribed, shall report to the present General Assembly now in session, on or by the twentieth day of December, 1855, or earlier if practicable, on the following facts and particulars, in relation to the Bank and Branches by them respectively examined, to wit:

1. The amount of gold and silver on hand; the amount of notes on other banks; the value of such bank notes when received, and their present value.

2. The amount of notes and bills under discount and on hand.

3. The amount of suspended debt.

4. Table or schedule of notes or bills under discount; table or schedule of notes and bills of suspended debts, with the amounts, dates, name or names of the maker or makers, drawer or drawers; name of each endorser thereon, respectively; original of the same; date, number of renewals, and their various changes up to present time; the character of each of such notes and bills—whether good, doubtful, or bad; if in suit, when placed in suit; in whose hands for collection as attorney; if in judgment, when obtained; have executions issued, if so, when; whether hold up or not, if so, at whose instance; what return has been made upon the same; has the amount collected been paid over to bank; if not, in whose hands retained, and how much.

5. What lands or other property have been received in payment of debts due said bank and branches, respectively; when received, from whom, why received, value at which taken, and present value; description of personal property received, if any; value at which taken, and present value; the amount of expenditures,

if any, in the way of improvements and otherwise on such property.

6. The amount paid for the purchase of lots, and the erection of buildings thereon, at the Principal Bank and each of the Branches, for the use of such Banks, respectively.

7. The amount due from other banks, and the character of such debts—whether good, doubtful, or bad; if doubtful or bad, when were such debts created, and under what circumstances.

8. The amount of State bonds purchased or discounted, when, from whom, at what value, and present value.

9. The amount paid for expenses at the Principal Bank and each of its Branches, respectively, particularly specifying the amount paid for each service or item of expense, and the aggregate amount for each year since the investigation in 1843-4.

10. The number and amount of notes and bills under protest and on hand; the name of the maker or drawer thereof, and the name of each endorser thereon, and when protested.

11. The capital stock; sources from which received, and the amount from each source.

12. Amount due to other banks, and to public officers.

13. The amount of the sinking or contingent fund; in what way or from what source has the same been created; has the same been diminished, if so, when and on what account; state the amount of said sinking fund on the first day of July in each year, since the investigation of 1843-4, and the amount up to the time of the report.

14. Gross profit made each year, also the nett profits and the amount paid in dividends each year, and on what account paid.

15. The amount of notes payable at the Branches, respectively received from the principal Bank for circulation, when received, amount on hand, amount in circulation.

16. Amount due to individual depositors.

17. Has any interest at any time been paid to individuals for deposits in Bank; if so, when, to whom, how much, and at what rate has any person been permitted to overcheck; if so, who, for how much, and why.

18. Has any Director, directly or indirectly, as maker, or drawer, or endorser, or otherwise, received discounts, for a greater sum than two thousand dollars, the maximum amount fixed by the Legislature for Directors to

receive. If so, when, how much, when discounted, and to what Director.

19. All other resources and liabilities, profits and losses, of every description not embraced in the foregoing specifications, together with any information, or suggestions, which the respective Boards of Commissioners may deem of importance to be known by this General Assembly and the people of the State, and especially have the said Branch Banks deviated from the rules and regulations of the principal Bank in making loans, or discounts, or buying bills, discriminating as to time. If so, who, and on what time, or has the practice with all the Branches been uniform.

*Resolved*, That to enable said Commissioners to carry out the object of these resolutions, they have power to send for persons and papers, to administer oaths to all persons brought before them, to interrogate all officers of the said principal Bank and said Branches respectively, to require such aid and assistance from the Presidents, Directors, Cashiers, Clerks, or other officers of said Bank of Tennessee and its several Branches, as shall enable them to make the most ample and thorough investigation of the condition of said Bank and Branches, and the persons so brought before them to testify in any matter, shall be allowed the same compensation now allowed to witnesses by the existing law.

*Resolved*, That the Governor inform said Commissioners of their appointment, and transmit to them the necessary evidence of their authority to act in the premises; and in the event of a failure or refusal to act on the part of any Commissioner, the other Commissioners shall appoint, or elect, some other person to act in his place.

*Resolved*, That said Commissioners be allowed four dollars per day each, as a compensation for services; *provided*, that for the pay of the Commissioners herein appointed, a greater sum than three thousand six hundred dollars shall not be appropriated.

NEILL S. BROWN,

*Speaker of the House of Representatives,*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted November 24, 1855.

## NUMBER 32.

A Preamble and Resolution to the Congress of the United States of America

*Whereas*, in many parts of the United States, our rapid and approved system of Rail-way improvements is comparatively in its infancy, and thus far in a very great degree has been prosecuted by individual energy and enterprise, with individual and State capital and credit, unaided, except in a few instances and to a limited extent, by the means or credit of the General Government.

The construction of 16,000 miles of Railroad at an aggregate cost of more than \$700,000,000 has absorbed a large portion of the surplus capital of the country, in addition to calling into requisition the use of credit abroad to a very considerable extent.

In common with many of the Southern and Western States, we are extensively engaged in constructing railroads for the general improvement of the country in all its social and business relations, both at home and abroad, for the promotion of which our State government has exhibited a wise, generous, and well guarded policy. But from our past and present experience, the State aid by bonds proving insufficient, and in some degree unavailable for the purposes designed, much inconvenience and delay of our work have been and must be felt from the want of active capital in the Western States, and a healthier condition of monetary affairs throughout the whole country.

The rapid extension throughout the civilized world of this new and highly important artificial mode of intercommunication, operating with other causes, has occasioned an unexampled increase in the demand for iron followed by an unprecedented advance in the price of this article. The rails manufactured in the United States are wholly inadequate to supply the home demand; in fact not more than twenty-five per cent of this demand can be supplied by American Mills. Thus, we are compelled to purchase three-fourths of our iron abroad, or abandon our works in progress, or delay them to a ruinous extent. We say ruinous, because it involves the loss of the local work already done upon them, without we receive some relief or assistance.

Thus situated, with extensive and necessary works in progress, we seek from Congress, through your legislative aid, such material relief as a remission or postponement of duties for a few years, on railroad bars, would surely give, without detriment to the revenue system of

the Government. We say without detriment to the revenue, for the following reasons :

**FIRST.** That the construction and labor-saving powers of railroads, advance the population, wealth, and revenue paying capacity of the people more and faster than all other causes combined ; as is fully proved by the fact that the work of transportation, *annually* performed by the existing railroads of the United States, cost the people thereof one hundred millions of dollars less than if performed by animal power upon common roads. This saving is much greater than the whole revenue of the Government.

**SECOND.** That the people of all the Western and South-western States, are the greatest sufferers from the financial troubles that now embarrass the country is true, for the want of those facilities and aids to our industrial pursuits which railroads so pre-eminently afford.

And that, while the best efforts of our people are being exerted to free themselves and their State from the unequal burthens that distance from the markets impose, we are crippled in our limited cash means by the requirement of the General Government to pay into its treasury about \$1300 per mile, which is the cost of one mile of rails out of every three and one-third miles of constructed road ; and at a time when the national treasury is overflowing with an abundant revenue from other sources. There the money is idle and unnecessary ; here all the interests of the country suffer for the want of it.

The iron interest of our country, which is unreasonably opposed to this measure of relief to railroad interests, in the place of being injured, will be benefited by it. The estimate is, to each mile of railroad, requiring one hundred tons of rails, an additional demand is created thereby for more than an equal value of all descriptions of merchantable iron needed for cars, engines, buildings, and all *branches* of industry that are everywhere so wonderfully stimulated and extended by the use of railways. Again, the iron-works of the United States, by their limited capital, light-standing machinery, small number of experienced workmen, and high rates of labor, are far better suited for the production of light merchant bars, than for the heavy and more difficult manufacture of rail bars. These difficulties operate so strongly, that, if Congress were to prohibit the importation of foreign rails, the American iron establishments could not for years supply one fourth of the demand for rail bars. Whereas, if all were imported duty free, our roads would be sooner and cheaper made, and a much

greater demand thereby created for all descriptions of iron, for the profitable production of which the American works are generally adapted. Having been fostered by a thirty per cent *ad-valorem* duty during the past nine years, previous to which a higher duty prevailed, their works are far less capable of supplying the present demand for rails than they were that of 1846. And with a combined legislative grasp upon the whole, they have miserably failed, after years protection since 1842, to supply one eighth of the quantity required by the country.

Where then is the wisdom or justice of continuing the duty on rail bars, unnecessary for revenue, ineffectual in overcoming the inherent difficulties in the way of American rail-making, and exceedingly onerous upon all the agricultural States, and especially Tennessee, where money is always worth more than on the sea-board, and where distance from market renders the speedy completion of our railroads a matter of the very first importance to our people, as well as to those of other States who consume our products?

Having an overflowing national treasury, and believing as we do, that the condition of the country, facts, reason, and policy, all unite to sustain the immediate remission of the duty on rail-bars from 1850 indefinitely. Nor would such a measure be new to the legislation of Congress; for the journals a few years back will show the admission of rail-bars duty free for a limited period, while the Atlantic States were establishing their railway system. Is it not equally just in principle, and practically at this time more important to all the Western men who grow bread-stuffs, tobacco, sugar, and cotton, and to all Eastern men who eat, smoke, and spin, that the same aid of *free* rails should be extended to the roads of all the Western States? We claim this relief from Congress as just, expedient, and right.

We think this encouragement can be given to internal improvements that are affording so much prosperity to our whole country, without any inconvenience or embarrassment to her finances.

Railroads for military and postal purposes are of great value and convenience to the government, and the extension of them to every part of this Union by the States should receive every reasonable encouragement from the General Government. They penetrate every interior and hitherto insulated section of our broad country and connect them with the sea-board, thus giving to the surplus productions of industry a

cheap outlet to tide-water, whereby exports and consequently our imports are largely augmented, with a corresponding increase in the revenue of the Government derived from impost duties.

If however the tariff of 1846, is *iron-bound*, and must stand entire, then we respectively ask of Congress a postponement of duty collections on a credit of six years for all rails imported and laid down from 1850, to 1864, —second, to an entire remission of duty: this credit would be of very great service to the roads of our State, and could, from the opening of the lines for traffic, be chiefly paid off by Postal service during and at the end of the credit. As a condition upon which the collection of the duty on railroad iron is suspended, Congress might require the Companies should give security at the office of Customs for the service or money on receiving the rails.

By this arrangement the Government would only lose the interest on these duties for a short time, whilst by this liberal policy it would increase the speedy completion of the roads now in process of construction, and secure all the advantages, social, political, and commercial, resulting from these enterprises; therefore

1st. *Be it resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts and influence for the passage of a law at the present session of Congress in one form or other herein suggested and prayed for in the foregoing preamble.

2d. *Resolved*, That we do hereby invite our sister States, who feel any interest in the progress of Internal Improvement, to co-operate and unite with us in soliciting Congress through their respective Legislatures to grant the aid and relief prayed for in the foregoing preamble and resolutions.

3d. *Resolved*, That the Governor of this State be requested to forward to each of our members in Congress a copy of the foregoing preamble and resolutions, and also to forward a copy of the same to the Governors of the respective States of the Union, with a request to submit the same to their respective Legislatures.

NEILL S. BROWN,

*Speaker of the House of Representatives.*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Adopted January 19, 1856.



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